

HOW THE
MEMBERS
OF THE
Church of **ENGLAND**
Ought to behave themselves under
A ROMAN CATHOLIC
KING,

With reference to the
TEST and PENAL LAWS.

In a Letter to a Friend by a Mem-
ber of the same Church.

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SENATE

OF THE

STATE OF NEW YORK

THE
T I T L E S
OF THE
S E C T I O N S.

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HOW THE
M E M B E R S

OF THE
Church of *England*

Ought to behave themselves under
A ROMAN CATHOLICK

K I N G :

In a Letter to a Friend.

S E C T. I.

*The Character of an old Loyalist
of the Church of England.*

S I R,



INCE our first
acquaintance, we
have seen the Re-
volution of almost
fifty years: In all
which time your unshaken Loy-
alty, and steady Adherence to
B the

the Doctrine and Discipline of the Church of *England* have been most conspicuous. You equally hated the Flatterer, who by stretching the Length of the Scepter, made it unweildy; and the Factious, who by continual filing, made it too slender, and of no more force than a Reed; or so shortned it, that from a Sovereign Battoon, it scarce equalled a Serjeants Mace.

You valued him most, who paid a just Deference to the Regal Prerogative, and was infinitely thankful for all the gracious Enfranchisements of the Subject. You knew too well the Injustice, and Illegality of taking Arms against King *Charles* the First, & settled your Judgment so firmly then, that none of the Designers Arts, to cajole the Multitude, made any impression on you. And however great your Sufferings were then, and thereby

by your Disability to aid the Banished Prince : yet you were as forward as any to assist him in all things serviceable to his Interest, not only in confirming your Neighbours and Acquaintance in their Allegiance (when their Enemies success made them dispond) but in making Converts of those who had been deluded by the specious pretence of Liberty and Reformation. So that you helped much to prepare Mens minds earnestly to wish, and effectually to promote, the late Merciful King's Restauration, and when in his later time he was so Embarrassed with some of his Parliaments : you were an eminent Abhorrer, and as strenuous an Opposer of the Bill of Seclusion; and though you were branded with the name of Papist in Masquerade, and a Janizary for Arbitrary Power, yet you kept your Post, and assured those that

conversed with you, that Loyalty (which you had been taught in the Church of *England*) was so firm a Basis to you, that the attacks of Slander, and Obloquy, should never remove you one hair's breadth from your Duty. It was the very Polar Star, to which you directed all your Actions without trepidation, the *Axis* on which you designed to move.

S E C T. II.

How such behaved themselves during the Transaction of the Bill of Seclusion.

G I V E me leave to remind you of some of those Answers you used to make to those Speeches were sent you from one of the Clerks of the Commons

mons House, when the debate was hottest about the Bill of Seclusion: for it was at that critical Time, the truest Sons of the English Church, were discriminated from the Latitudinarian Protestants, Non-Conformists and Commonwealth's Men.

When that overgrown Lawyer said, *He took it for granted, that it was impossible that a Papist should come to the Possession and quiet enjoyment of the Crown, without wading through a Sea of Blood; and without occasioning such a War, as for ought he knew, might shake the Monarchical Government:* You then reply'd, This was more like the Bellowing of a Bull, than a Responce from an Oracle of the Laws, and that who ever lived to see the Duke Succeed, (as in course of Nature it was likely) would find the True Sons of the Church of *England*, so far from lifting up an

S. W. F.
Collecti-
on of
Speeches.

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hand against him, that if his Right were opposed, they would with as much Zeal and Concern as any, fight under his Royal Standard; and if any such Bou-teseu's as he, raised a Rebellion; they would only afford Trophies to his Victorious Sword, and fall as Sacrifices to the Justice of his Cause.

When that bitter mans Speech was urged, *That a Popish Head, on a Protestant Body, would be such a Monster in Nature, as would neither be fit to preserve, or be preserved: and it as naturally followed, as the Night did Day, that the Head would Change the Body, or the Body the Head*

You answered, That we ought to consider the Royal Headship, abstractedly from the Subject-Body, as we do the sublimed Animal and vital Spirits from the gross Blood, and the grosser composition of the Body. The Sovereignty being as a Presiding
Cael.

Cœlestial Power, fitted to govern Members of various Temperaments and Constitutions; and that it was as easie to conceive how a Popish King might benignly govern his Protestant Subjects, as it was for a Father to govern, with Paternal Care and Indulgence, his Children of different Humors and Inclinations; and that whatsoever Latitude, other Church-men might take to obey Princes, only so far as they were Nursing Fathers to their Church; yet the Principles and Doctrine of the Church of *England* (contained in its Homilies) obliged all the Subjects to be dutiful, bear Faith and Allegiance to their Sovereign, and support his Crown and Dignity, though he were of a different Religion: and it taught absolute, and unconditionate Obedience for Conscience sake.

When some thought to touch you more closely in your Private

vate Concerns ; as knowing you had some Church Lands, and
 Col. B. shewed you the Colonels Speech, who said, *He took it for granted, that we have nothing of our own, if Popery come in; not only the Church Lands, but all the Lands we have will be little enough for them, for they will never want an Holy, Sanctified, Religious pretence to take them from us.*

To this you answered, That the unpracticableness of restoring Church Lands is apparent, in the possession of those in Germany, got into by Hostilities, and established by Treaties ; and seeing that in Queen Mary's days, when the Romish Government, and the Popes Supremacy was re-established, and the individual Parcels (disseiz'd from the Church) easily known, in the Reign of a Princess so zealous to remove the Guilt of Sacrilege, that she actually restored what was in her Possession, and proceeded

ceeded to the Rebuilding of some Religious Houses, seeing, you said, that she, thus earnest upon the Work, and who had the Interest of the Pope, and the Zeal of a much vaster number of Catholicks then are now, to assist her, was yet so far from being able to obtain an Act of Parliament for that purpose; that the Pope himself by Bull confirmed them. Certainly if this then was unpracticable, (when Protestantism was at so low an Ebb) what could be expected after almost 150 years quiet possession? So that if there were no other obstacle but the inextricable confusion, it would be impossible that any Court of Claims could adjust the Title of any Religious to them, by any colour of Law or Equity: and no Catholick Prince whatsoever, would disquiet, and disoblige the whole Body almost of his Subjects, (both Catholicks and Protestants,) for the
the

Church of Engl. Behaviour

the advantage of three or four of his English Subjects in every Monastery: for if he should recall all the Religious of his Subjects out of all the Foreign Convents, they would not supply them to a greater number.

J. H. C.

When you read another Splenetick Gentlemans Harangue, *That Misery and Slavery were the Concomitants of Popery*; And when in answer to a Gentleman that urged against the Bill, *That it would lay the foundation of a miserable Civil War*: The aforefaid zealous Knight reply'd, *That the Barbarousness exercised in Queen Mary's Reign by Fire and Fagot, might be put in the Ballance with all the inconveniences that ever happened by any Exclusion-Act.*

I remember you pitied the Gentlemans short Memory, or want of perusing our Histories, where he might have found in many of the Skirmishes (besides the sixteen pitch'd Battels, fought

fought betwixt the Houses of *Tork* and *Lancaster*, upon the Usurpation of King *Henry* the Fourth against *Richard* the Second) that more were slain in one day, and more Families ruined in one year, than in the whole Reign of Queen *Mary* : And however the matter should fall out (as we had no shadow of Reason to suspect) it were better to die, as Sufferers (guilty of no other Crime than the Ad-hearing to our Religion) then to die by the Sword, Bullet, Ax or Halter for Rebellion.

You farther said, That we ought to consider the difference betwixt a lawful Hereditary Prince, and an Usuper : The one being obliged, by Interest so, to govern, that he may have a peaceable and comfortable Reign, and have willing and wealthy Subjects : Whereas the other (having the establishing his Usurpation his sole scope) enslaves

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enslaves all he can, studying only to draw all into Obedience by force, and strong hand: But it would be otherwise in the Succession here, where the Princesses his R. H. only Daughters, who, or their Issues, were in the course of Nature (if he had no Son) to succeed him were married to Protestants; so that he would have as great regard to their peaceable Possession, as his own: And let the Motives be what they could, he would content himself with the Publick Exercise of his own Religion, and affording Liberty, Countenance and Protection to all Catholicks, and imploying some of them, and suspending the execution of such Laws as were heavy upon them: And if this were not opposed, you doubted not but his Reign would much increase the Wealth, Glory and Military Discipline of the Nation.

Yet

Yet after all this, since you have lived to see so much of the Prognosticks verified; of late, you have expressed apprehensions of the danger of your Religion; and the concern for that, hath made you hearken to the suggestions of some Churchmen, and others who really believe all which the Seclusionists then (without crediting a Tittle of it) most artificially spread abroad.

How scrupulous
now.

I think my self therefore bound to offer you my Reason, why you ought not to fear this, and in the first place, think fit to remind you how the Clergy of *England* (that surely considered consequences) behaved themselves then, and after shall answer the best Arguments I have met with to the contrary

SECT.

SECT. III.

*How the Bishops and Clergy
behaved themselves in those
times.*

THe Deportment of the Bishops, and the Loyal Clergy, may be best known by their adhearing to the Crown-side, and the endeavours that were used to render them less credited by the People.

It is very well known how strenuously they opposed the Bill of Seclusion, both in the City and Country, and how few (if any) of the Bishops in the House of Peers countenanced that Bill, which occasioned such bitter and biting Speeches, or such sly insinuating Girds against them, as if they were ready to enroll themselves under the Banner of St. *Peter*, and betray

tray the Protestant Interest, rather than be deprived of the warming Beams of the Rising Sun.

Hence one of the Active Sr. F. W. Members said, *They might be assur'd of their Religion, if the Fathers of the Church joyn in being against the only means to preserve it; and he desired the Church might not be scandaliz'd, for they did not disinherit the Prince for his Religion; but to save their own.* And further said, *That he thought it a kindness to the Church, above all other Acts whatsoever: And lest in this, he might not be understood aright, he added, that he meant the Protestant Church: which shewed that these men considered the conformable Clergy of England, as a different Body from the Protestants at large; And so the kindness of that Act would operate to them, though not to the present Bishops and Clergy of the Church*

Church of *England*, who desired no such indirect proceedings to secure them.

W. H.

Another said, *He was unwilling to detract from the Merits of Church-men, for whom he had a great Veneration; yet he could not but observe however since the Presbyterian Plot, they preached up the danger of Phanaticks to be more than of Papists, and that to disinherit the Duke was against the Law of God: Which said oppinions, said he, if they should be Imbibed by the People, what would the Associating Bill signifie, or any other Law against Popery.*

J. B.

Another said, *That People were come to know, that the Clergy may be good Divines, but not so good Politicians: And that the Clergymen might be in a possibility of being advanced by Popery (if they submitted) but the Laity, under a probability of loosing all notwithstanding all Submission: And added, That he doubted not, but that*

that many of the Bishops and Clergy, would as soon die for the Protestant Religion, as any Person in the Nation : but he was jealous there was some over-ruling Power, yet amongst them, something answerable to that of a Popish Successor.

This Gentleman seemed kinder than the rest, in that he charged them mostly with want of foresight and inadvertency, that some Leading Men of their Order, were decoying them to overlook their Interest. But surely in this they Acted like good Politicians, as well as Divines, in that thereby they saved a great effusion of Blood, which necessarily must have followed such an unjust Bill : And I hope they will retain the same Integrity and Wisdom, with a good Conscience, as to afford no occasion to their Enemies to censure their defect of Religion or Policy, or allay the Kings

C

Affecti-

Affection and Grace to them for that Service then done to him.

SECT. IV.

The Calumnies against the Loyal Members of the Church of England in the foregoing times.

I Think it not unreasonable here to refresh your Memory with a Summary of the Calumnies laid upon the Loyal Members of the Church of *England*, in the Reign of the two late Kings of Glorious Memory. In King *Charles* the First's Reign, the People, being wrought upon to repine at some ways of levying Money, not usual, and some Rules of Uniformity either refused, or not so Universally practised before; chose in most places such Members of Parliament,

ment, as they thought, would be most ready to redress those Grievances ; who , no sooner were met, but the Designers amongst them , set the People upon petitioning against Innovations. Then the Bishops, and most of the dignified Clergy , were accused of an intention to bring in Popery , and to make some approaches to a Conformity to the Church of *Rome*. Every where hideous Crys were heard, of the apprehensions of the Inundation and Inflowing of Popery, when the thousandth Man scarce knew what it was, or who were the Preservers of the Banks which most powerfully kept it out ; and having got Power by those Suggestions, and gained an Aversion in so many against them, before they had over powered the Monarchy, voted down, and , in the effectualest way they could, totally overthrew the English

Hierarchy : And all that asserted the Government then exercised in Church and State , were branded as Betrayers of the Subjects Birthright , Priviledges and Liberties, and Favourers of Popery, and Arbitrary Government : Which Epithets they never failed to interweave, and on whomsoever they fastned such of their Petars, they were sure to have their Reputation blasted, and all their subsequent Actions rendred odious to the Commonalty , who the soonest of any Mortals are 'blear-ey'd , and distorted with the suspitious squint.

In the late Kings time, all Loyal Men, who profess most strict conformity to the Church of *England*, and were not for the Bill of Seclusion or Comprehension, were stigmatiz'd with the names of Papists in Masquerade.

How efficacious these Calumnies were to Arm so great a
part

part of the Subjects against the blessed Martyr of his People, and bring him to that tragical end, is too fresh in our Memories to need a recital. And when we found the powerfulness of those Fictions and Imaginary Goblins in both Kings Reigns, to endanger the Subversion of the Monarchy and Episcopacy: Have we not reason to believe, that there are a great number of Republican Spirits yet at work, who subtly mingle themselves with all Male-Contents, and dissatisfied Parties; and by their sly insinuations inflame every small Scratch, and rangle it into a venomous Boil, by their pestilent and contagious Breath? Those are continually raking into the Ashes of every of these by-past Designs, keeping some Brands always in the Embers, ready upon every light occasion to be blown into a Flame. Can

we believe those to be now at rest and quiet, to have hushed or mortified their eager Concupiscence of advancing the Good Old Cause? No, no, let us not believe the Fox hath forgot his Shifts and Wiles, or the Crocodile his Tears, or the Asp his venemous Bite: Let us fear the gilded Snake in the Grass, yea, rather lurking in every Thicket, where repining, murmurs, fears, jealousy or discontent can lodge.

) S E C T. V.

The Affrightments and Arts now used to make the Subjects believe that the Protestant Religion is to be extirpated here.

THese are a set of Men, who by their whispering dissatisfaction,

faction and suspicions of the danger of the Protestant Religion, are but fitting their Mouths, and preparing their Lungs to blow the Bag-pipe of Sedition : And when they have allured the Crowd, will endeavour to decoy them into the same Designs with themselves, and excite us to follow the Methods they used in our Fathers days. That new Japan doth much resemble the old Varnish, only they have found out new Exotick, affrighting Figures : And whereas before the Emblem of *Venient Romani* was placed at so great a distance from the Sight, that it was but faintly delineated, as in a remote Prospect : Now they think they may be bold to place it in a nearer Light, and hope to allure the Fender-sighted, and well Affected to the Church of *England*, to believe the reality of the Representation : which is no other, but that the Roman

Altars are to be placed where Communion Tables now stand. That the great Fabrick of *St. Pauls* is to have a Cupula with the Sword of that Saint, and the Keys of *St. Peter* upon it: That our Common Prayer is to be changed for a Mass-Book: And in fine, that the Protestant Religion is designed to be extirpated.

The Plausible Inducements they pretend to have to believe this, are the Liberty the King grants to all his Catholic Subjects to Exercise their Religious Worship; the suspending the execution of all the penal Laws against them, and the placing of Catholics, contrary to the Provision made by Act of Parliament to exclude them.

These Proceedings of the King, they would make us believe, are manifest Demonstrations of his intentions to recede from his Royal Promise of protecting

protecting the Church of *England*: and consequently that it will crumble to nothing, by his withdrawing it.

This they endeavour to infer, by the consideration of the influence the Pope and the Catholick Fathers may have upon his Majesty, who will be continually instilling into his Royal Mind, how glorious an Enterprize it will be, rowling his slow and unresolv'd Thoughts, with the Consideration, what a perpetual renown it ever will be to King *Henry* the VII. that he united the Houses of *York* and *Lancaster*: and how glorious the memory of King *James* the I. ever must be, who united the Kingdoms: And how transcendent a Jubile it would cause over all the *Roman* World, That his Grandson should reunite his Subjects to the Roman Catholick Church; which will be so irresistable a Charm, they say,

say, that it cannot be in his power to escape the Enchantment: Nor could he want the Charity to wish it, or neglect the essaying all means to effect it, being prepossessed with a firm Perswasion that the undertaking of it would be an acceptable Service to God Almighty.

It is not my design to write any thing that may lessen the esteem and due regard Men have for the Church of *England*, of which I own my self an unworthy Member. Neither shall I meddle with any Points in controversy, but only offer my Reasons why I cannot conceive, by the Proceedings of the King hitherto, nor the consequences flowing from those steps he makes, That the Protestant Religion is either in danger, or designed to be rooted out, or so eclipsed, as we are invited to believe.

S E C T. VI.

*That the Church of England
hath been in a disturbed con-
dition under Protestant Prin-
ces.*

BEfore I consider the present State of the Church of *England*, which I think, in many respects, is as flourishing as it hath been since the Reformation ; I must shew its former condition.

During the Reign of *Q. Elizabeth*, and the three succeeding Kings, it hath been continually disquieted with Dissenters, Fanaticks, and other Sects, who never gave over their Clamours for a more refined Reformation from *Rome*: Every Year almost producing some bitter Inve-
ctive

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Active or other; grudging, murmuring, and calumniating the English Hierarchy, to the great disquiet of the Secular Government: Hence the necessity of severe Laws against Non-conformists, ever and anon being made or reinforced.

Those that lived in the beginning of the late Wars cannot forget what Tumults were in some places about placing the Communion Table Altar-wise. How many were scandalized at the Bishop's, dignified Clergy, and Priests Habit; at the kneeling at the Sacrament, at the use of the Cross in Baptism, about bowing to the Altar, and the Name of Jesus: And tho' in Cathedrals a Solemn Order was observed; yet it was much murmured at, and was branded (both in the manner of the Celebration of Divine Offices, and the use of the Choristers and Organs) with the name of
down-

down-right Popery and Superstition.

Who hath a mind to know the particulars of the disquieting of the Church of *England*, by her Protestant Adversaries, may peruse Bishop *Bancroft's Dangerous Positions*, and Dr. *Heylin's History of Presbyterianism*, Mr. *Fowles History of the Plots, Conspiracies*, &c. and such as relate the Church History of those times; and they will find sufficient to convince them, what Jars, Conflicts, Heart-burnings, and Disquiets were amongst Protestants: How the Clergy and the Liturgy were despised; which grew every Year worse and worse, till it was judged requisite by a strict execution of the Laws to master the Nonconformists, and bend, or break them to a compliance, or silence. But the success answered not the design; for on the contrary, the peoples minds grew

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grew strongly alienated from the Discipline of the Church, and as soon as they had chosen a House of Commons to their mind, the use of the *Common Prayer Book*, Surplices, and Habits of the Clergy, and all things in use formerly, and established by Law, were voted down; and the Souldiery and Rabble were encouraged to tear the Service-Book and Surplices, to transplace the Communion-Table, level the Steps, pull up Fonts, break down all the painted Glass-Windows, especially where any representation of our Saviour, or any Saints, or Bishops, or other in Religious Habits were: The Copes, Vestments, and Chalices were all swept out of the Church by Order of Committies, or the Rapine of Parishioners, or Soldiers; The Monuments and monumental Inscriptions, were most of them defaced, especially

ally where a Religious Habit was represented, an *Ora pro Animâ* annexed, or the worth of the Brass tempted the Sacrilege; none of the zealous Observers of the Rites and Ceremonies of the Church were permitted to enjoy any Benefice, or teach a School; Bishops, and Deans, and Chapters Lands were sold, and they were about resolving which of the Cathedrals should be demolished. So that in conclusion there was no publick appearance of the Discipline of the Church of *England*, tho' all the Pulpits were supplied with Preachers, who conformed to their new Directory, and new Ordination by Presbyters. This might indeed be called a Protestant Church, but I am sure it was very different from the Church of *England* as established by Law, which was so far from then being a flourishing Church, that
it

it had neither *Vola* nor *Vestigium* of one, but such as was under as dismal a Persecution as a Church well could be.

It is true, after the late King of immortal memory's Restauration ; It was restored again to a competency of Power, and Order. Yet the Dissenters Meeting-places were as much frequented as the Churches. Everywhere Non-conformable Ministers had their Conventicles, till a new Act of Uniformity was made ; yet the number of Dissenters then were so many, that the King (who loved ease, and to have his Subjects minds composed, that he might more freely have the Service of their Bodies and Purfes) was willing to grant them Indulgence, till that was disliked by the Parliament, and the Bishops, and zealous Members of the Church of *England*, whereby the King was prevailed

prevailed with to revoke it.
Thus was the Church of *England*
harrassed under Protestant Prin-
ces.

S E C T. VII.

*That it is in a more flourish-
ing condition now.*

LET us now take a view of
its present State, and
make a just paralel, and we
shall, I think, find it in no worse,
but in a better state than be-
fore. Now our Clergy-men go
publicly in their decent Habits,
are revered and respected,
no affronts put upon them. All
the Ceremonies appointed by
the Canons, and Rubricks are
more exactly observed, and
more universally confirmed too,
than in any Age before; we
hear little of their Conventicles,
D the

the greater number of former Dissenters flocking to our Churches, conforming in all things, answering to the Responses, standing up at the Creed, bowing at the Name of Jesus, kneeling at the Prayers, and with great attention and zeal, hearing the learned Sermons delivered almost from every Pulpit, the Ministers redoubling their pains in emulation to the Catholick Fathers, that they may retain their Flocks firm to the Protestant Religion, and we may judge, by the crowding of the Churches, That for one Dissenter that was won to the Church of *England*, in the late Kings Reign, there are now ten, which is one of the Miracles the King has done, to unite these at so great odds formerly: So that to me it is a plain proof, that some people believe the Promise of protecting the Church of *England*: Which makes

makes them shelter themselves under it; but I suppose it will be no longer than the Storm is impending. In fine (unless it be that we want his Majesties presence at the Royal Chapel) we find no alteration from what was in King *Charles* the Second's time, and the generality of the people, finding the Clergy so boldly to stand to the Protestant Religion, respect and reverence them more than ever.

So that if the flourishing state of a Church be to be known by the number of Communicants, by the populous Auditories, conformableness to the Ecclesiastical Doctrine, and Discipline: If by the decency of the Churches, the full, free, and solemn Exercise of the Rites of our Religion, by the eloquent, learned, and painful preaching of the Ministers, by the full and free enjoyment of their Reve-

nues, the uninterrupted Exercise of the Ecclesiastical Laws and Discipline: The present state of the Church of *England* is as flourishing as we can desire, and may so continue, if we can be content to yield Roman Catholics a favour next to a Tolleration.

S E C T. VIII.

*The Self-denial of the King,
in the Exercise of his own
Religion.*

SINCE I am discoursing of the paralel of the flourishing state of the Church of *England*, formerly and now: I think we ought seriously to reflect how gracious our King is to us, and how little a share of liberty to his Catholics, he is content with.

None

None sure could have counted it injustice, if our Sovereign had chosen his own Royal Chappel, in his own Palace, to have performed his Devotions in ; whereas he quits that to the Prince and Princess , to the Archbishops, great Ministers of State , the Nobility, Bishops, and Protestants of all ranks ; and contents himself with the Queens Chappel at St. *James's*, hath only one Bishop, his Confessarius, and a small number of Chaplains , and circumscribes his Processions within the Cloyster of that small Convent : And at *Windsor* (his Summer-Palace) leaves the Collegiate Church to Protestants , and only keeps to himself the small new Chappel adjoining to St. *Georges* Hall , which if he had not taken (though some unquiet Spirits made such a noise at it) he must have had no place there for his Devotion.

The King graciously allows us the Cathedrals, Parish-Churches and Chappels, and the free and unrestrained exercise of our Religion ; have we reason then to grudge him two or three small Chappels, and the Subjects of his Faith, their Private Oratories ?

We have had a further Instance of his Majesties tenderness in protecting the Church of *England*, in the Letter sent to the two Arch-bishops, at such time when it was generally bruited abroad (we may judge by whose Artifice and Malice) that the King intended to prohibit preaching of Controversies, betwixt the Church of *Rome* and us, and to take away Lectures, and Afternoon Preaching ; whereas we find by the Instructions annexed to the Letter, That it was no more than had been done in King *James's*, and in King *Charles* the First's time,

time, and was verbatim what had been published by King *Charles* the Second: And instead of restraining our Ministers from preaching in defence of the Church of *England*, it is allowed, yea appointed them, so it be done according to the Instructions.

Let us therefore receive these largesses of Princely Favours, with dutiful and thankful Hearts; and by no petulancy, or unnecessary eagerness for more, indanger the loss of what we enjoy. And I doubt not but Roman Catholics will allow something to a people devoted to their Religion, and distinguish betwixt those that are, and ever will be, truly Loyal, even under Sufferings; and a party that seek all opportunities to repine.

S E C T. IX.

The difficulty of effecting a Change of Religion. First, from the Peoples general Prejudice against it.

TO proceed more particularly to the further Reasons, why I think the Protestant Religion is in no such danger, as some labour with all their Arts to make us believe. I shall desire it may be considered, How averse the body of the People are to it. Protestantism here has taken deep Root, and the prejudice against, and even abhorrence of Popery, hath been instilled into us, with our first Rudiments: So that the generality may as well be prevailed upon to embrace Turcism or Heathen-

Heathenism, as the Religion which hath been represented to them as Idolatrous, and so contrary to Scripture. Education, and a long Series of contrary Usage, are great Impediments in the minds of all Men, to admit of any change in Customs, much more in Religion.

The great Obstacles that hinder the common people from complying with the Roman Catholic Religion, are, That the Publick Service is celebrated in an Unknown Tongue, in which they know not how to joyn, as they do in our Liturgies, and the multitude of mysterious Ceremonies, do no less amaze them, who will be rather contented, to be accounted thick-skulls, than they will be at the pains to learn them.

The Clergy, and those who are able to consider the matters in dispute betwixt the two Churches, cannot (after that
vast

vast number of Books that have been writ on both sides) satisfie themselves in the Doctrine of Transubstantiation, Invocation of Saints, worship of Images, Purgatory, Merit, and several other matters, in which difference they unite with other Reformed Churches.

And there is something peculiar, which will be a constant *Remora*, (to the Clergy especially) *viz.* That, *First*, the Reformation was here more regular than in any other Country. *Secondly*, That Episcopal Government is maintained in good order ; and such a Liturgy and Ceremonies used, as come nearest to the Primitive usage, as they think themselves very able to maintain. *Thirdly*, They are unwilling to yield the Roman Catholic Church to be the Judge of Controversies betwixt them. And as to the Supremacy of the Pope, The English

English Clergy will most unwillingly yield it, after so long a renouncing it. *Lastly*, The Indispensible Celibacy of the Catholic Clergy, is an insupportable hinderance of English Ministers submission to that Religion; since the married here, will be incapable of preferment, and on the contrary, must suffer degradation and beggery.

Who seriously considers those things, will not only judge it an attempt unfeazable (especially when the prospect of a Protestant Successor, is an Ensuring-Office to our Religion) but may satisfy any of the groundlessness of those Fears, (some people are too prone to suggest, more, I think, out of design, than that they believe it themselves) That the Protestant Religion is designed to be overthrown.

There are but four ways, by which this can be effected. Either,

ther, *First*, by the freedom of preaching of the Fathers, *Secondly*, Their Writings: *Thirdly*, Their Conversation: Or, *Fourthly*, by Force; which I shall now consider.

1. That it will not be effected by the preaching of the Fathers.

Asto their Preaching, *First*, It is observeable, That it is a most rare thing, to hear any discourse of Controversies, in the King's, or either Queen's Chappels, or I think in that of the Popes Nuncio, or chappels of Embassadors: Those Protestants which have heard them, can universally testifie, That the Text, mostly, is out of the Epistle or Gospel of the day; and the scope of the Discourse is generally incitements to the duty of Holy Living, dissuasives from all kind of sin, and true motives to penitence for them. When they commemorate any Saint, in celebrating the Festival, the application is to imitate

imitate their Sanctity, and praise God for the Grace conferred on them, and affording such Examples of Devotion, and holy living: Which Heads, when they are most powerfully treated upon, may be effectual to make a Man a good Christian, but avails not much to make him a Roman Catholic.

It is well known to most that hear them, that if it were not for the habit, the *Ave Maria*, the want of Notes, the deviation of the Discourse, and some small difference in the way of delivery, they could not distinguish their Sermons from those in Protestant Churches: So that they gain only by that, a little mitigation of peoples Censures, who have had them represented either as ridiculous, or absurd. Since therefore the Preachers of both Churches agree in the points of Moral Piety, and the Funda-

Fundamental Doctrines of Christianity: It may prevail with Lay Auditors, to judge those are the necessary things knowable; and that the skill in nice and subtil Controversies, are nothing so needful to salvation, as the decrying and shunning Vice, and Debauchery.

When therefore we consider the advantage the Ministers of the Church of *England* have over the Fathers, we surely must yield, That they may much more easily keep their own Flock from straying, than the other can win them over to the Romish Faith. For, *First*, the Ministers are infinitely more numerous, and settled in their several Parishes, as so many Shepherds to secure their charge *Secondly*, They have willing, and unprejudiced Auditors to hear them; whereas most Protestants that go to hear the Fathers, generally do it out of curiosity,

riosity, or to censure them. *Thirdly*, The Ministers of *England* have a good Art of Address, to enforce their Doctrines; and having been longer used to preaching than the Fathers, and using a different method from them (to which people have been more accustomed:) I see no reason to fear that they can so prevail, as to commit a rape upon their Auditors Affections and Judgments, whereby they should be converted by thousands, as those were at *S. Peters* Sermons; and without such Miracles, I think, by preaching, the Protestants will not be changed.

As to their Writings; the scope of those seem to be primarily, to explain those Articles of Faith (wherein Protestants most differ from them) in such a manner as may conciliate a better understanding between the

2. Nor by their Writings.

the two Churches, and by a sweetening, and favourable representation of the Catholic Doctrine, endeavour to remove the Prejudices Protestants have entertained against it, as irreconcilable to Scripture and the exposition of the Primitive Fathers.

This seems the most Christian and Charitable method they have, or possibly can take, to render their Religion intelligible to us, or at least incline us to less censoriousness of theirs: which province the Bishop of *Meaux*, hath undertaken with greatest applause, and it hath been followed by some of our Country.

Yet when we consider how little hitherto hath been gained by this expedient, we need neither be waspish and angry, or abandon our selves to such sinking fears, as if the Church of *England* would be overset
by

by so smooth a Sea.

The Church of *England* hath in it many learned and dextrous men, who have good Libraries, and are well skilled in History, and the Antient Fathers, and are well pleased, they have the opportunity of shewing their Talents, and are confident they can manage their cause more advantagiously than the Catholics, and think this way of their Adversaries Writings, effects not what is aimed at, but on the contrary, confirms the people, That they have been taught by their Pastors, the more antient and true Doctrine, as it was believed in the Ages nearest the Apostles times: So when the Pope yielded to the *Bohemians* the use of the Wine in the Sacrament: It being received by them, as a confirmation, That the Eucharist ought to be administred in both species; and that it was as reason-

E

able

able that other Points in difference should be allowed them, the Pope recalled the Tolleration.

When we further consider, That the dubious expressions of the Fathers, afford subtil men on both sides sufficient matter for arguing, *pro* and *con*, and that the Writers in both Churches, agree not upon a Judge betwixt them: It is not easie to conceive, how by this way, a National Conversion can be effected. For though the number of Writers were never so much multiplied: Yet since the Arguments are the same, and neither part can put the principal differences to Umpirage, or fix upon an Umpire, they may both write till Doomsday, ere they accord.

3. Nor by their freedom of conversation, and endeavours to proseliterate the people

As to Conversation, It must be owned that in this, as well as the foregoing particulars, the

the R. Catholick Church-Men, have that advantage now, that they never had since the Reformation, both publickly to preach; and publish their Books of Controversie, and be as industrious as they please, to prevail with people in their conversation, which is like a single combate betwixt a Man skilled at his Weapon, and a Novice. It must be granted also, That several persons may be reconciled to the Church of *Rome*, especially such as are curious after Novelties, and not well grounded in the Protestant Religion, or such as fall into solicitous thoughts about the state of their Salvation, and come to think the failures they have committed, have been occasioned by their want of due Instruction: Or once conceive that Salvation is not to be had out of the most Catholic Church, or that a perfect absolution up-

on Confession, and Contrition is to be had no where, out of the Church of *Rome*, and some may be won by an affectation of the modishness of being of the Religion of their Prince, or in hopes of the more propitious royal Smiles: and such in my judgment, as change their Religion for this sole end, neither deserve the countenance of their Prince, nor of any worthy Man; for such will vary with the next Wind, and neither God nor Man will find stability in them.

But we experimentally find that the progress of these kinds of conversion is very slow, and it must be a work of many Ages, to effect any great matter this way, where so thick-set prejudices, and prepossessions of a different persuasion, are so firmly retained, that to change a Religion this way, is but like the demolishing a Fabrick of immense

menſe firmneſs and ſize, by picking out here and there a ſingle Stone, even while others are as diligent and induſtrious to ſecure it.

If, laſtly, any be won over to the Church of *Rome*, by any of theſe, or any other method of more force, the act being perſonal, (ſeeing every Mans Salvation toucheth himſelf moſt) why ſhould any ſo much be concerned about it, ſeeing it is their own voluntary act, and no injury is done to the willing yielder, and it would be a ſtrange obſtinacy in any not to yield to conviction.

Having ſhewn the groundleſſeſs of thoſe peoples fears that dread the overthrow of the Church of *England*, by any of the three forementioned ways: I come now to the laſt, that is, Force.

4. That it
is morally
impossible
to effect
it by
force,

It was a Master-piece in the
Seclusionists, to represent Po-
pery and Slavery as Twin-
Monsters, and inseparable Fiends;
which they described in the
most terrible shape, with Jaws
of Lions, Talons of Vultures
and Harpyes, Eyes of Basilisks,
and fierceness of Tygers, sur-
rounding them with Fire and
Brimstone, horrible Flame, and
the equipage of Chains, Racks,
and Wheels, and all the Tor-
ments of the Ten Persecutions,
or what ever else, inventive
Mischief hath since found out:
Yet we now live to see them all
but terrible Bugbears, and the
Affrightments of Hypochondriac
Dreams.

By a natural instinct, we
English, of what perswasion so-
ever, are very careful to pre-
serve our properties, which in
all times have been dear to us;
and those most antient Laws.
that

that secure them, were made before the name of Protestant was known in the World. We must also consider, that with what ever daring courage, religious zeal may inspire Men; yet common policy and interest, will certainly discourage all Catholics from attempting any change of Religion by force and enslaving; lest they or their posterity, in the next Age might undergo a Retaliation as heavy upon them, when it would be more easie to extirpate the whole Roman Religion here, than now it would be to change that of one City. When therefore the founding of Religion will be the ruine of Estates, and the Story of *Perrillus's* Bull, is not worn out of Mens Memories, or Men are like to be the Sacrifices upon the Altars, they too precipitately raise; we are not to expect such venterous Heroes, as will have the hardiness

of *Sampson*, especially since if they had, they would want the Power, and force to effect it.

SECT. X.

Two Objections answered.

I Know it is urged, That we had a sad Experiment of the change made by a standing Army here, which was able to overthrow the Monarchy : And the French Kings late proceedings against the Hugonots prove, That by force great alterations (otherwise looked upon, as next to impossible) may be effected.

1. That
the case
of the
Usurpers,
over
throwing
the mo-

But the Cases are very different from ours, for in our late Civil Wars, the people were only wrought up to the height of power,

power, to dispose of the fate of Monarchy, by the belief the Designers impressed upon them, That Popery and arbitrary Government were making great approaches, and fully designed to be introduced by the King and Bishops: And a Parliament was, by a fatal oversight, perpetuated, which was of the same perswasion; and had the Hearts, Purses, and Heads of infinite multitudes to assist them in the work of Reformation in the Church, and redressing of Grievances (as they were called) in the State: Which being such specious pretensions, and having a Parliament to patronize it; and the Scotch Nation to abett them, it was the less to be wondred at, that such a Revolution was made, especially when we consider the Churches alteration was nothing so great, as it would be betwixt the exchange of Protestant

narchy
and episcopacy
is very
different
from ours.

testant Episcopacy, for R. Catholic Hierarchy, and the Popes Supremacy, which is here so much antiquated.

Then the Doctrine of the Church was little altered, except in that they rejected the Order of Bishops: for the Service being in the known Language, without any Ceremonies, only consisting of Prayers, reading of Scriptures, Preaching and Administring the Sacraments, according to the use of *Scotland, Geneva, Holland,* and the Hugonots of *France*, the transition was more easie, after the Army was victorious: Yet we have seen how short liv'd, even that Usurpation was.

In our present case, a Religion is to be brought in, against the most earnest endeavours, the firmest perswasions, and Resolutions, and the utmost detestation and abhorrence of the people: So that while we see
only

only a mixture of Catholic Officers, with a far greater number of Protestants, and a Body almost intire of Protestant Soldiers: We may as well have credited, That *Oliver Cromwel's* Army could have pulled the Pope out of his Palace; and introduced Protestantism in all Catholic Countries, (as I have heard some of the Officers and Chaplains of that Army, confidently enough hope) as that we can expect an extirpation of our Religion here, by so small a number of R. Catholics as are in the Court, Camp, or Country.

As to the instance of the French Kings proceeding, surely they that urge it, never give themselves liberty to reflect upon the discrepancy of the case. In *France*, the King and the whole Body of his Kingdom are R. Catholics, and the Religion is established

2. That the proceedings of the French King ought not to affright us.

established by Law, and it is easie to obtain further Laws for the support of it, and the destroying of all others, by a King so victorious and revered; since how numerous soever Protestants were there, yet comparatively to the Catholics, they were very inconsiderable. If indeed the King of *France* were an Hugonot, and with the assistance of his Protestant Subjects, had been able to have brought all Catholics to his Religion, then there might have been some ground for such an instance.

If the advancers of this affrightment would have been so candid, as to have subjoyned, how our gracious King hath granted; not only the French Exiles a safe retreat into his Kingdom, but hath likewise promised them a Protection in the exercise of Religion, conformable to the practice of the Church

Church of *England*; And to all such hath granted his Gracious Letters Patents for the collecting the Charity of his Subjects for their Relief, (which is accordingly with a superlative Liberality, afforded them) They would rather have made it as an Argument of the Kings inviolable observing his Gracious promise in protecting the Church of *England*, than have produced it as an incitement to our fears of the contrary. But these kind of men know how to boil up Sugar to the bitterness of Aloes, and extract Poison out of Cordials.

 SECT. XI.

That the King's dispensing with the Test is no Argument of his Design to extirpate the Protestant Religion.

I Know it is urged, that if his Majesty did not design some alteration in Religion, what need is there of his so great solicitude, and earnest endeavours for the taking away of the Test; and how comes it to pass that the Law against it is dispensed with, and so many Catholics are Commissioned in the Army, and may be in other Offices? This being the continual Toll, by which some would make us believe the Protestant Religion was about giving up the Ghost: I think it most necessary to enlarge the more upon it, in shewing

ing how just it is in the King to imploy Catholics, and how much Reason he hath to dispense with the Test; and that the refusing the Abolishing of it, will be attended with much greater Inconveniences than the continuance of it.

Before I enter upon this Subject more directly, I think it requisite, in the first place, to shew the Equitableness, and Reasonableness of the Kings imploying R. Catholics. In order to which,

It is equitable that the King imploy Catholics.

First, we must consider with what steadiness and equanimity of Mind (peculiar to himself) our Illustrious King stemmed the Torrent of Antimonarchical, and Associating Insolence: and how undauntedly he weathered out the Storm raised against him, upon the account of Religion, before his access to the Crown: So that we cannot think

think that he withdrew himself from the Communion of the Church of *England* for any Secular Interest ; and being not only so peaceably at first seated on his Throne , but by a Miraculous success against a Rebellion (that was within a cast of Victory) so firmly establisht in his Right : It cannot be thought but that he makes some reflections on the justness of his Cause, and the favour of Heaven to his Religion ; so that after we have seen him Triumph over the spiteful and impotent Confederates against him , and know him to be a Prince of those rigid Principles of Honour and Conscience, as in no time to make use of the coverture of dissimulation ; we must conclude, that the World would judge him hypocritical in his Religion, if he should not publickly practise it himself, and countenance the Profession of it in his Catholic
Sub-

Subjects, and shew as favourable a regard to them, *Cateris paribus*, as to Protestants.

Secondly, It is most natural for every person to cherish and confide in those most, who are of the same Perswasion with themselves in point of Religion, who are to be supposed, will most cordially and concernedly adhere to their Interest, as knowing that their common Fortunes are interwoven. While therefore Protestants, since the Reformation, have been the sole usu-fructuaries of all the places of Honour and Profit in Church and State; and all, who have been bred Catholics, have been, since the begining almost of Queen *Elizabeth's* time, or at least from the middle of it, under more or less continual pressure: And a great many suffered most deeply for their Loyalty to King *Charles* the First:

2. That the King hath reason to favour his Catholic Subjects.

And during the credence given to the late Plot, have been harrassed from Session to Session, proceeded against as Traytors, Imprisoned, and forced into Exile, or undergon the severe penalties of the Laws: It is but reasonable that they, or their Posterities should, with some more than common emotion of Joy and Contentment, entertain the liberty of the exercise of their Religion, they have so long been restrained from. Nor is it to be wondred or repined at, that they are very desirous to receive the Warmth and Sunshine of a Kings Favour, they have so long been deprived of; and of discovering their Joy and Satisfaction, that they may be capacitated to render him Service, and be united in that dutiful Bond of Loyalty with Protestants, though they cannot accord with them in Matters of Religion.

Thirdly,

Thirdly, It is a very unreasonable Matter, that any Sovereign Prince should be abridged of the liberty of placing his Favours at his pleasure, either in Compensation of his Subjects Sufferings, or, as a reward for their serviceable Loyalty; or for the support of some meritorious Person, or such as by their Pen do him Joynt-service with his Arms; the one awing, and the other arguing the Ill-dispos'd Subjects into their Duty: And it no ways becomes Subjects to Murmur, much less to repine, upbraid, or offer at catechizing the Prince for it.

3. It is unreasonable the King should be abridged of it.

Fourthly, It is a well known usage amongst all Princes to entertain, in their Service, Great as well as Inferiour Commanders that are useful to them, without having respect

4. It is an usual practice among Princes.

to their Religion : For the Liberty that any Great Prince gives to a brave Man, to Exercise his Devotions in the way he has chosen, makes him so much the more at ease, to be solicitous about nothing worldly, but the true serving his Prince; which made the late King not ill served by some of his greatest Sea Commanders and Captains, who had learnt their Experience under the Usurpers, and were Non-Conformists to the Church of *England*. It is well known how long Marshal *Turenne* served the French King before he returned to the Bosom of the Church of *Rome*, and how Cardinal *Richilieu*, and he, though they offered their Prayers at several Altars; yet petitioned jointly for success to their Common Master : And how long after, the same King entertained Mounseur *Schomberg*, and other Protestants. Surely the German

man Emperour doth not reject the Service of the Lutheran Princes, and their Forces against the *Otoman* Empire; and it is well known, that Forreigners are imployed in the Councils or Armies of most Princes.

Fifthly, Neither can I see any greater difference in the Kings imploying of some Catholics together with Protestants, than there is in his making his Subjects of both his Kingdoms, participants with us English, in Offices and Ministeries of State: Which to repine at, were very great Injustice, seeing it is what has been ever practised.

5. It is but like imploying Subjects of different Kingdoms or Countries.

Sixthly, I may add further, that it were a great oversight in Politics, and an Injustice, if his Majesty did not imploy Catholics; for it is most fit, in all his great and small Services, he should intermix those he might

6. It would be an injustice not to do it.

most intirely confide in by the Unity of their Interest, by which a commendable emulation would be betwixt them, who should serve him best, or at least his Wisdom or Umpirage would be best known, by chusing what Council to follow, when they proposed different Mediums; and it would keep either party in that Golden Mediocrity, which is most useful to Princes.

As to Injustice (which Epithet, whoever would fasten upon a Prince, robs him of one of the noblest Flowers of his Crown) can it be other in a Prince not to bestow Rewards, Honours and Offices (that are solely dispensable by himself) to his serviceable Subjects, or such as have suffered for their adherence to him, or his Family, and persevere in it? and none can deny but some Catholics are such: And all Catholic Princes

Princes would judge our King a very unequal Distributer of his Favours, and to have no great Zeal for his Religion, if he should not countenance and prefer some of his Catholic Subjects : Yet none of those Acts of bounty or choice he can do , if he cannot dispense with penal Laws.

Yet for all this gracious and just Favour to Catholics , I do not see, that by any the remotest consequences , either the King doth design, or that it is his Interest by them to extirpate the Protestant Religion , but rather to conciliate a better Union betwixt them , by conversation and mutual Service ; that, in as much as in him lies , by the experience now , of that good Accord betwixt them , in the Civil and Military management of Affairs, a better understanding may be betwixt them, even under a Protestant Prince: Though

it is to be doubted that, however now we grudge, that a few Catholics are in Commission, and are peevish because any are employed besides Protestants; yet who ever lives to see a Protestant Successor, will not find the same reciprocal Favours to Catholics.

S E C T. XII.

That it is not the Kings Interest to extirpate the Protestant Religion.

THe Reason that presseth me much to believe, that the King neither Designs, nor thinks it his Interest to introduce the Catholic Religion, so as to extrude the Church of *England*, is the moral impossibility, that so wise and generous a Prince, and so great a lover of his Country,

try, (however his wishes may be, in his Judgment, thinking it conducive to the Salvation of their Souls) will undertake a Business that requires a long long Age to effect, and must render those days he hath to live (which I wish many and many) full of disquiet and anxiety, if not of Blood and Carnage. For it is a Princes paramount Interest to consult the safety of his Government; and where he governs Subjects (as his are circumstantiated) so to manage Affairs, as he may not weaken his Kingdoms defence against his watchful Neighbours, by giving the Power into a few hands, against the hundred times more numerous, and consequently more able to serve him in his Defence, or give opportunity to such (as we may be sure, are not true to the Principles of the Church of *England* of non-resistance) to raise some formidable

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ble disturbance, which the Catholics singly will not be able to quell.

It is very evident, that the Doctrine professed by the Church of *England*, is unconditioned Loyalty; and the Members of it, that understand best the Doctrine, and their Duty, think in this particular they carry the Prize from all other Church-Societies.

But they are not all to be reputed Members of the Church of *England*, who go by that Name; there are some can be very loyal to a Protestant King, but can be factious, seditious Malecontents, and sowers of jealousies and fears under a Catholic; and think it no sin to be regardless of his Honour or Success. And if any Rebellion should happen (which God avert) they would think it their Duty to sit still; and others who fight for pay only (of which it
may

may be presumed there are many of the Common Sort) if upon any Revolt they had a prospect of Money, and the better securing of the Religion they value, would swiftly run over to that side, where they might hope for both. Besides which, the indefatigable Commonwealths-men, Male-contents, Non-conformists, and several of the Zealous true Protestants Associaters, and Exclusionists, would combine in opposition to barefac'd Popery; for they are all threaded on one String, the same Iron Sinue runing through them all; so that if by any Wars abroad, or Intestine Discontents at home, any Calamity should happen, (which may fall out under the prudentest and wisest Prince) It is to be suspected by the mere terrible Engine (the fear of losing their Religion) the Body of the People would consider their
strength

strength only , and make their Loyalty give place to their great Concernment ; and neither regard the Kings Sovereignty, or the Loyal Principles of the Church of *England*, but forget all Duty, and Reverence, to secure that which (they would make us believe) is dearer to them than their Lives and Fortunes ; and then the Catholics, and true Sons of ~~the~~ Church of *England* , would be only left to abide the shock of all the rest.

And though such a Prince as ours , is not to be affrighted out of his Methods : yet we may rationally Judge that he considers all this , and must compute, what Hearts and Hands he is sure of ; and will not embarras and imbroil himself in Matters so difficult to accomplish , and make his Reign uneasie to himself , by imposing a Religion upon his Subjects, they are so much Strangers unto, and have
such

such an aversion from, and to no other end, but to force his people at the best to become Hypocrites.

Having thus, I hope, cleared that Point, that the Protestant Religion is in no such danger as timorous, or designing Persons would have us believe : I come now to speak more particularly to the Test; which is looked upon as the very Barrier, Rampire and Citadel, that is only left to defend us against the overpowering Attacks of Popery; which some Men would make us believe, if it once be yeilded up to the Kings demolishing, no visible hold is left to prevent the whole Nation's being subdued to the Catholic Religion.

SECT.

S E C T. XIII.

Concerning the Test.

I Shall first therefore endeavour to shew the Nature of the Test, and the occasion of the making of it; and the several Reasons why it may be prudence to revoke it, and other penal Laws. And lastly, the inconveniences of denying to repeal it, and so draw to a Conclusion.

The Motives that occasioned the making of the Test.

It must be owned, that it hath been the Care of most Protestant Parliaments, especially since the late Kings Restauration, to secure the Militia, and the Kings Guards, and standing Forces in the hands of Protestants only: Therefore in the Act for Setling the Militia,

Anno

Anno 1661, the taking of the Oaths of Allegiance and Supremacy were enjoined ; and when it was known , that our King had left the Communion of the Church of *England*, the Houses began to be more intent upon finding out ways to secure the Protestant Religion ; and then those, who afterwards, pushed forward with such violence the Bill of Seclusion , having gained so specious opportunity , to lay all the stress of their Contrivances , upon the necessary endeavours to secure the Protestant Religion, under the notion of protecting the Person and Government of our late King, and preventing a Popish Successor, from Arming Catholics to the hazard of the Protestant Religion ; They prevailed upon the King to give his Assent to the Bills.

I shall now give you a Breviate of it, in the words of the Act,
and

80 Church of Engl. Behaviour

and give some short Notes upon them, and then proceed.

The First Act.

Stat. 25.

Car. 2. c. 2.

The Title of the Act is, *For preventing dangers which may happen from popish Recusants.* And the preambles adds, *For quieting the minds of his Majesties good Subjects*; It is enacted, "That
 "all and every person or persons,
 "as well Peers, as Commoners,
 "that shall bear any Office or
 "Offices, Civil, or Military, or
 "shall receive any Sallary, Fee,
 "or Wages, by reason of any
 "Patent, or Grant from his Majesty, or shall have command,
 "or place of Trust, from and
 "under his Majesty, or from
 "any of his Majesties Predecessors, or by His or Their
 "Authority, or by Authority derived from Him or
 "them, within the Realm. &c.
 "or in his Majesties Navy;
 "Islands

“Islands, &c, or shall be of the
“Houſhold, or in the Service,
“or Imployment of his Maje-
“ſty, or of his Royal Highneſs,
“the Duke of *York*, &c. ſhall
“perſonally in the Court of
“Chancery, or Kings-Bench,
“take the ſeveral Oaths of Su-
“premacy and Allegiance, and
“receive the Sacrament of the
“Lords Supper, according to
“the uſage of the Church of
“*England*; and the like for all
“Officers to be admitted to any
“Office for the future, within
“a time limited. The Neg-
“lecters, or Refuſers to be ad-
“judged incapable of any other
“Office, or to Sue, uſe any Acti-
“on, Bill, Complaint, or Informa-
“tion in Courts of Law, or
“proſecute any Suit in any
“Court of Equity, or to be a
“Guardian to any Child, or
“Executor, or Adminiſtrator
“of any Perſon, or be capable
“of any Legacy, or Deed of
G Gift,

“ Gift, or to have any Office,
“ and shall forfeit 500 l.

The persons obliged to take the Oaths, shall at the same time make and subscribe the Declaration following, under the same penalties, and forfeitures, as by the Act appointed.

The Declaration is in these words, “ I *A. B.* do declare that
“ I do believe, that there is not
“ any Transubstantiation in the
“ Sacrament of the Lords Supper, or in the Elements of
“ Bread and Wine, at, or after
“ the Consecration thereof, by
“ any person whatsoever.

There is a Provision that this Act shall not hurt or prejudice the Peerage of any Peer of this Realm, either in time of Parliament or otherwise : But this was in the next Act fully vacated.

The Second Act.

The second Act is Intituled, An 30. Car. 2.
Act for the more effectual pre-
serving the Kings Person and
Government, by disabling Pa-
pists from sitting in either
House, and the Preamble adds,
 “That for as much as divers
 “good Laws have been made,
 “for preventing the increase
 “and danger of Popery in this
 “Kingdom, which have not had
 “the desired effect, by reason
 “of the Liberty which of late
 “some of the Recusants have
 “had and taken, to sit and vote
 “in Parliament: Therefore, it
 “was Enacted, That no Peers
 “of the Realm, and Members of
 “the House of Peers, should
 “Vote or make their Proxy in
 “the House of Peers, nor any
 “sit there, during any debate
 “in the said House; Nor should
 “any Members of the House of
 G 2 “Com-

“ Commons Vote, or sit there
“ during any debate, after the
“ Speaker was chosen ; until
“ they respectively take the
“ Oaths of Allegiance and Su-
“ premacy, and make, and sub-
“ scribe, and audibly repeat the
“ Declaration following.

“ I *A. B.* Do solemnly
“ and sincerely in the pre-
“ sence of God , Profess,
“ Testifie, and Declare, That
“ I do believe that in the
“ Sacrament of the Lords
“ Supper, there is not any
“ Transubstantiation of the
“ Body and Blood of Christ,
“ at or after the Consecra-
“ tion thereof by any per-
“ son whatsoever; and that
“ the Invocation or Adora-
“ tion of the Virgin *Mary*,
“ or any other Saint, and
the

“ the Sacrifice of the Mass,
“ as they are now used in
“ the Church of *Rome*, are
“ Superstitious and Idola-
“ trous.

“ Likewise no Peer of *Eng-*
“ *land, Scotland or Ireland*—be-
“ ing twenty years old, nor any
“ Convict Recusant, that takes
“ not the same Oaths, and make
“ and subscribes the Declaration,
“ may advisedly come into, or
“ remain in the presence of the
“ King or Queens Majesty, or
“ come into the Court or House,
“ where They or any of Them
“ reside.

“ Every Peer, or Member thus
“ offending, shall be deemed and
“ judged a Popish Recusant, and
“ suffer as such, & be disabled to
“ hold or execute any Office or
“ place of Profit or Trust, Civil
“ or Military, in any of His Ma-
“ jesties Dominions, &c and shall

“not Sit or Vote in either
 “House, or make a proxy in the
 “house of Peers, or have any
 “benefit of the Law, as in the
 “foregoing Act, and shall for-
 “feit 500 l.

“Also every sworn Servant
 “of the King, not having per-
 “formed all things in the for-
 “mer Act required, shall do
 “what this Act enjoyns, or
 “shall be disabled to hold any
 “place as sworn Servant to the
 “King, and suffer all the Pains,
 “and Penalties aforesaid.

“The Proviso's are, That
 “Nine of the Queens Men-ser-
 “vants, natural born-subjects of
 “*Portugal*, and as many Wo-
 “men-servants, such as shall be
 “nominated by the Queen, un-
 “der her Hand and Seal, are ex-
 “empt from the taking these
 “Oaths, &c.

“*Secondly*, That none be re-
 “strained from coming or resi-
 “ding in the King or Queens
 “pre-

“ presence, &c. that shall first
 “ obtain warrant so to do, un-
 “ der the Hands and Seals of
 “ six, or more Privy Council-
 “ lers, by order from his Ma-
 “ jesties Privy Council, upon
 “ some urgent occasion, there-
 “ in to be expressed ; so that
 “ such Licence exceed not the
 “ space of ten days at onetime,
 “ nor thirty days in one year,
 “ and such Licence to be re-
 “ corded in the *Petty-bag-Office*.
 “ *Lastly*, That nothing in this Act
 “ shall extend to his Royal High-
 “ ness the *Duke of T O R K*.

Whoever peruseth these Acts Some Re-
 (in the circumstance we now flections
 are in) will easily, I think, upon
 yield, that whatever tempora- these
 ry uses there could be former- Acts.
 ly of them, yet they could ne-
 ver be put in practice by a Ro-
 man Catholick King, or that he
 could suffer the execution of
 them, as I shall more at large
 shew in the following Discourse.

The Seve-
rity.

In this place I shall only touch upon some few Heads. As,
First, Concerning the severity in General, upon those who could not renounce the Doctrine of Transubstantiation, Invocation or Adoration of Saints; these being purely Metaphysical Points of Religion, settled by Decrees of Councils in the Roman Catholic Church; oblige those of that Communion to believe them, under the penalty of an Anathema; yet I think it is not easie to prove, that these Doctrines have any Natural Tendency to induce the Believers and Practisers of them, either to endanger the Person of the King, or the Government, which is declared to be the principal end why the Acts were made: and as to the increase of Popery, these very Doctrines are so far from working upon Protestants, that they are the very chief impediments, which hinder

hinder the people in General from embracing that Religion.

Therefore it must appear very severe, that all persons, who by a spiritual obligation cannot renounce these Doctrines and Practices, should be obnoxious to those penalties, which, as convict Papists, they are liable to; and which, however vexatious and chargeable to them, redound mostly to the profit of Informers, Bayliffs, Clerks, and such persons as bear no proportion of Merit or Interest in the Government, to those suffering Roman Catholic Lords and Gentlemen; and by such Payments, Fines, &c. the Kings Revenue is very little encreased.

Although some may think, The Reasons why made. some of the branches were then necessary, to prevent all Roman Catholics from enjoying publick employments, whereby the Managery of the Government might solely be in the hands

hands of Protestants; yet what necessity was there for the outlawing of them, in putting them out of the protection of the King, and his Laws, or of receiving any benefit by them, so that they could not recover their just debts, defend themselves from any injury done to their Persons or Estates, nor have equity done them, which is the privilege all Subjects claim from their Sovereigns Justice.

As they must suffer all hardships: so the Acts provide that no Protestant, or other, should be beneficial to them, being deprived of all the usual ways, whereby advantages accrue to any, either by the Living or the Dead, in that they might not be Guardians, Executors, Administrators, or receive any Legacy, or Deed of Gift.

Whoever considers these things with a sedate and composed mind, undisturbed with
Bi-

Bigotry, Suspicion, or Envy, must think this punishment intended to keep the Roman Catholics in perpetual poverty and vassallage: which no Roman Catholic Prince can take pleasure to see, or endure.

As to the prohibiting all Roman Catholics, or any other refusers of the Oaths and Declarations, advisedly to come into the Kings Presence or Courts; there might be some colour for such a prohibition, during the time that a Protestant Prince was thought to be in personal danger from Roman Catholics; but surely at any other time it appears a strange ungentileness to retrench a Sovereigns attendance, and shews a very unbecoming diffidence in the Wisdom of a Prince, and his Privy Council, as if they knew not whom, and when to prohibit Access to their Royal Persons and Court; which by direction

Of the
prohibi-
ting Rom.
Cathol.
to be in
the Kings
Court or
Presence.

rection to the Lord Chamberlain, or by Proclamation might be done upon Emergencies. It looks like a suspicion, that the hinderance of the Access of Roman Catholics was rather that they might not represent their sufferings, explain their Religion more favourably, make Proselytes, or interceed for some accused; which though not expressed in the Act fully, yet may well enough be interpreted from the words, *preventing the increase of Popery.*

I know there is a provision upon obtaining of licence; but that could extend to very few, who either could be at the expence, or obtain the favour of an Order of Council for that purpose, and so all indigent Catholics, who for their sufferings for Kings *Charles* the Martyr might merit the late merciful Kings regard and benignity were utterly, excluded.

But

But if we suppose these Acts as necessary and equitable, as the greatest Sticklers for them could evince, while the Plot was believed; I think no person endow'd with common civility, will think it fit they should be impos'd upon our present Sovereign; nor will they think it equitable and just, that any Roman Catholic King should deal in the same manner with his Protestant Subjects. And I presume the Golden Rule to do to others as we would be done by our selves, should influence publick as well as private affairs.

As to the Kings sworn Servants, It must be very severe upon several of them, whose fortunes were bottomed upon it; and it was a very unbecoming restraint, that a Sovereign should dismiss his Domesticks, though never so experienced and faithful, for that, which, it may be few Members of the Houses

Not fit
now to
continue.

Concern-
ing the
King and
Queens
sworn
Servants.

Houses would discard a Trusty Menial Servant for.

As to the Queens Servants, it had been contrary to the Law of Nations, to have imposed such Oaths and Declarations upon such as were naturally born Subjects of *Portugal*; yet in that they were limited to so small a number as nine (whereas her Majesty entertains near thrice the number of Religious) it shewed but little consideration of the number of Servants in the Family of so great a Princess.

But I need not trouble you with the consideration of these, as moving in a lower Sphere; for what ever will induce the two Houses, to reinstate the great Orbs in their places, and capacitate them to exert their due Powers, will prevail to restore the *Satellites* of the great Luminaries.

Therefore I shall now pass to
the

the ejecting the Roman Catholic Lords out of their House, and depriving them of their Birth-rights.

By the Kings Royal Prerogative, the Power of Creating a Baron and Peer of the Realm, is only in the King, as the Original Donor of all Honours, from whom all Dignities flow, as from a Fountain, to all his Subjects.

Concerning the Catholic Lords, being excluded the House.

This Honour consists not only in obtaining a swelling Title and Degree of precedencie, as special Marks to them and their Families of Princely Favours : but likewise hath, for many hundreds of years, had annexed to it a right of being a Member of the House of Peers, sitting and voting there ; and thence they are stiled frequently Hereditary Councillors, who constitute the Kings Supreme Court of Judicature.

*Conciliarii
nati.*

In the Saxon times, and long after

after the Conquest, we find none but Bishops, Abbots, Priors, and these (stiled *Magnates* or *Proceres*) to constitute the General Councils, which we now call Parliaments; tho it seems, by what we can collect from the Ancientest Authors, the King summoned which of these he pleased, and did not tye himself to continue it to their Posterities.

Mat. Paris 227.

But in the Great Charter of King *John*, we find he granted, that he would, by special Letters, summon to these Great Councils, in Assessing all Aids and Scutage, the Arch-Bishops, Bishops, Abbots, Earls, and great Barons of the Realm. So in the Great Charter of *Henry* the Third, those are first provided for; and a severe Excommunication was wont to be pronounced, by all the Bishops, in presence of all the Lords and Commons, against the

cap. 2.
12. 19.
37. 38.

the Infringers thereof: And it is obvious to all, who know any thing of our Laws, how Sacred an Esteem the Great Charter hath had, being stiled, **The Charter of the Subjects Liberties**, and looked upon as the Standard of the Subjects Priviledges; so that some are of opinion, that even Acts of Parliament, contrary to **Magna Charta**, are void.

This Right of Barons sitting and voting in Parliament, is specially provided for in their Patents of Creation, which may be seen at large in Mr. *Selden*: And, as to what relates to our purpose, is contained in these Words, after the Recital of the Words of Erecting and Creating them, and their Heirs-males to the Name, State, Degree, Stile, Dignity, Title and Ho-

*Et ut Barones tra-
dentur, te-
neantur, &
reputentur,
&c. & eo-
rum quilibet
habeat, teneat,
& possideat se-
dem, locum
& vocem in Parlia-
mentis,
publicis
Comitiis
et consiliis
nostris, hæ-*

*redum & successorum nostrorum infra Regnum nostrum Angliæ
inter alios Barones, & Barones Parliamentorum, publicorum
Comitiarum & Conciliorum, Tit. Honor. Part. 2. cap. 5.*

nour of a Baron, &c. That they shall be treated, held, and reputed such, &c. and every one of them to have, hold, and possess, seat, place, and voice in our Parliaments, Publick Conventions and Councils, and of those of our Heirs and Successors, within our Kingdom of *England*, amongst other Barons and Barons of our Parliaments, publick Conventions and Councils.

This having been the long used form of the Patents granted by our Protestant Princes, it is not only an abatement of what the Sovereign intended for their well-deserving Subjects, and a violating of that peculiar Right, which was designed to be transmitted to their Posterities, and thereby a degrading of Roman Catholic Peers of so important a privilege; but it wrests out of the Kings hands a Royal Prerogative he
hath

hath *Jure Corona*, to make and create the Members of that most Honourable House, which is his Supreme Court of Judicature. The ill Consequences that may follow such Retrenchment, being well worth serious Reflections; and of the Kings Prerogative, I having occasion hereafter to treat more largely, shall add no more here, but only hint to you the Resentments of some Parliaments, when they have wanted their Members, and close this Head with some short Reflections (which with all due deference to better Judgments, and those whom it may most immediatly concern) I shall only offer to be considered.

Anno 1255. The Earls and Barons absolutely refused the King any assistance, or answer at all to what he demanded, because all the Barons were not at that time called accord-

Mat. Paris, p. 885.

ing to the Tenure of *Magna Charta*.

Stat. 10.

114.

So the Acts of the Parliament of the 21th of *Rich. 2.* and all the proceedings therein were totally repealed and nulled by the first Parliament of King *Henry* the Fourth, because the Lords, who adhered to the King, were summoned by him to the Parliament, and some of the opposite party imprisoned, impeached, and unsummoned.

*Pryns plea
for Lords
Stat. 24.*

When King *Charles* the First, sitting the Parliament, confined but one Member, the Earl of *Arundel*, the whole House of Lords Remonstrated and petitioned the King to take off the restraint, and to admit him to sit, and serve the King and Common-wealth in the great Affairs of that Parliament.

So the Lord *Digby*, Earl of *Bristol* being not summoned, the Lords ordered his Admission to Sit, as his Birth-right; from

from which he might not be de-
barred, for want of summons, ^{4 Juslit.}
which ought to have been sent ^{p. 2.}
him *ex debito Justitiæ*, as Sir
Edward Coke affirms.

When the same King Charles ^{Prynne}
demanded the Five Members, ^{supra, p.}
the Two Houses grew exceed- ^{145, 146.}
ingly disquieted at it, and would
meddle in no other Business, but
adjourned themselves to Guild-
Hall, London, till the King
should give them satisfaction in
discovering the Authors of that
Counsel. The stress of whose
Argument in their Messages to
the King, Nov. 2. 1642 was,
That by that means, under false
pretences of Crimes, and Accusa-
tions, such and so many Mem-
bers of both, or either House of
Parliament, may be taken at any
time, by any person to serve a
turn, and to make a Major part
of, whereby the freedom of Parlia-
ment would be destroyed, which,
they say, dependeth in a great

part on this privilege, because without it, the whole Body of Parliaments may be dissolved, by depriving them of their Members by degrees, some at one time, and others at another.

Plea for
Lords, p.
414.

Some Re-
flections
upon the
whole.

The same mischiefs which they urged might happen to the Being and Constitution of Parliaments, by the Kings depriving the House of five Members; may happen upon the Houses excluding their Members by Vote: against which Mr. *Prynn* makes so great an Out-cry, and from this unparallell'd president (except in the long Parliament) of expelling Members for their opinion in Religion: All Lovers of the so excellently composed Constitution of the Two Houses, may do well to consider, what an Inlet it will make to the Imitation of the likely designing Men, when they shall have any Intrigue in hand to expel Members of other Qualifications,

Surely

Surely we ought not to forget, how much it prolong'd our miserable slavery, under the Usurpers, when no Members (how duly soever chosen by the Freeholders) were admitted to sit, unless they were so and so qualified, and made a Recognition to own the Usurped Government, and to Act nothing contrary to the Model of it.

Qualifications and Recognitions during the Usurpation.

I think it no great Commendation in us to be in Love with such a Copy of the same, tho drawn in Oyl-Colours, and made more lasting and obliging by the Legality of it.

When Queen *Elizabeth* was in greatest danger; from Roman Catholics (even while her Rival lived) she could not be induced to deprive the Roman Catholic Lords of their places in Parliament.

I think we ought to remember what dismal effects followed the Seclusion of the Bishops

The ill consequences of Secluding the Bishops.

out of the House of Lords ; and that upon the Kings Restauration , none appeared more forward and zealous to have them brought into the House of Lords again, than the Roman Catholic Peers did , which Action none, I think, will interpret to have proceeded from their Love to their Religion, but solely to the tender regard they had to Justice, and the true Constitution of Parliaments ; and if the Bishops and Protestant Lords, had thought fit to have been as careful of the Birth-rights of those few Catholic Lords, that were Members of their House, in all probability our Religion had been in as little danger by their stay, as it hath been better'd by their expulsion ; for they neither were then, or are like to be so numerous in that House , as to carry any Vote to overthrow or weaken the Exercise

ercise of the Protestant Religion.

It must be owned that Acts of Parliament are to be looked upon as Laws the Subjects ought to yield all Obedience to: But it is likewise to be considered, that such Temporary Acts, which upon Emergencies, and to serve a juncture, have altered any Ancient or Fundamental Constitution of the Government, robbed the King of any useful Prerogative, or the Subjects of their Birth-rights; as likewise all such as by Revolution of Time have the causes, for which they were made, ceasing: have been rarely found conducive to Publick Good, or of any long continuance.

What
sort of
Acts of
Parlia-
ment least
durable:

It is true, our present Sovereign was personally excepted from the severity of these Acts; but it is well known that some great Members of the Houses, designed

signed to have him presented by the Grand-Jury as a Recusant, in order to his Conviction as a Roman Catholic ; and the Judges, for discharging the Jury too soon (as the designers alledged) whereby an Indictment could not be brought in, were severely censured by the House of Commons.

This was not all ; for the hottest Zealots were for proceeding upon the Statute against being Converted or Reconciled to the Church of *Rome* ; upon which they would have grounded an Indictment of Treason. And whoever considers all the Arguments of the Exclusionists ; will find they were bottom'd upon the severe Laws against Papists.

So that if his Royal Brother had been wrought upon to have consented, it had been easie, by the force of the penal Laws against Roman Catholics, not
only

only to have deprived our Sovereign of his Right of Succession, but of his life also.

Since therefore it is so evident, that the penal Laws against Roman Catholics (as they now stand in force) are not only destructive to the Subjects property, but endanger as much the Rights of Hereditary Princes: In my Judgment the King hath sufficient reason to require their repeal, and all Lovers of our Monarchy (reflecting upon the hazard his Majesty was in, from them) have reason to use their utmost endeavours to have such abrogated.

Surely we cannot but reflect how things were pushed on after the credit given to that perjur'd Man's Plot. How a traiterous party designed the late Kings Murther, the overthrow of the Monarchy, or at least the utter secluding of our Gracious Sovereign, and never rested

rested, till they had formed the Rebellion in *England* and *Scotland*.

So that when we consider how these Laws were obtained, in a time when the Affrights, Heats and Ferments of the Nation were so great, and the drift of the Enemies to Monarchy, and the Kings person, were not sufficiently discovered; and when we consider that those so fair-blown Blossoms, so delicately striped, with the beautiful Colours of Religion, and Property, and Priviledges, were succeeded by the most poisonous Fruits :

And that those men who pretended so much care of the Protestant Religion, manifestly designed the Eclipsing at least, if not the overthrow of the Church of *England*, by their Bill of Comprehension; whoever, I say, considers these things deliberately, cannot think the
King

King hath any reason to be in Love with these Acts, which were made so Diametrically opposite to his Regality, and which would so manacle his hands, that he might have no power to bestow Places or Offices upon his Catholic Subjects.

Having premised these things in Gross, I shall now proceed to give you some of the many reasons, why I think the King hath just cause to insist upon the Repeal of these Acts, and all other Sanguinary Laws.

First, If there were no other reason why he should earnestly endeavour the abolishing of them, This one thing seems to me sufficient, in that all his Subjects, who are capacitated to serve Him, must solemnly declare the King (or the Church he is in Communion with) Idolaters, than which sin I think

Reasons why the Test ought to be repealed.
1. That it chargeth the King and all Catholics with the detestable sin of Idolatry.

no

no Christian can be guilty of a greater, except that of the so inexplicable sin against the Holy Ghost. If I were a Military man, I should be very diffident of success, or that God would prosper my Arms, while I fought a Princes quarrel whom I judged an Idolater. And if I did not believe it (as their whole Church so solemnly denying any properly Divine Worship to be given by them to any but God, methinks should hinder me) and yet were obliged so solemnly to declare it, I should think I scandalized my Prince in the highest degree, mocked God, and gave a lye to my Conscience : So that however useful it might be to deter persons of the Roman Faith from taking it, and so to incapacitate them ; yet I cannot see how a Catholic Prince can countenance or need it : And how either the King himself,
or

or his Catholic Subjects can digest such publick avowing them Idolaters, I leave to any rational man to judge : And especially the King, being, I doubt not, thoroughly convinced in his own Conscience, that he is no Idolater (for I think gestures only, without some kind of intention of paying Divine Honour to something that is not God, will not make a person guilty of that damnable sin) It cannot but concern him in Conscience to prevent, as much as in him lies, his Subjects averring so scandalous an untruth (in his Majesties own belief at least) and which assertion carries with it another ill consequence, that every one is not aware of : For the Ordination of our Bishops coming from the Church of *Rome*, if that be Idolatrous, it is no more a Church of Christ, but a Synagogue of Satan : And if it be no Damage, I am sure
it

it is no Credit to derive a succession from it.

2. That
one great
end of the
Test now
ceaseth.

Secondly, Another reason against the Test may be, that now there is no use of the direct intendment of the Act; because the end for which in great part it was made, is now obsolete, and totally ceaseth: which I hope will be clear to them that consider, that the power of the Militia, and the disposing either directly or indirectly of all the places of Service and Trust, are in the King: So that though it was but rational, that those persons, to whom Protestant Kings committed Arms and Offices, should be assured of them in fidelity, (which the being of the same Religion induceth a Prince to confide more in) lest their Persons or Government might be in danger from any armed with power, that were Catholics:

lics: So that it was but consensaneous to the Sovereign Power, in disposal of the Militia and Offices, that a Protestant Prince might refuse to be served by Catholics: and lest any such might get into Employments, he might be willing to consent to the most effectual discriminating Test that could be invented to debar them.

Bat now the King is secure from any apprehensions of the least danger to his Person and Government from Catholics, and can have no more doubt of the Allegiance of Catholics (without such Oaths or Declarations) than a Protestant Prince could have of his Protestant Subjects under the engagement of those Oaths.

Here we may *en passant* observe a considerable difference betwixt the method of our King, and those of former times. Now we repine, and are greatly alarmed,

rum'd, as if all were lost, because here and there a Catholic Officer is Commissionated: whereas the King imployes treble the number (yea some say, Ten Officers that are Protestants, for one Catholic) and the Soldiers are generally Protestants; whereas before, not one Known Catholic was capable of any Imployment: We might have indeed some reason to murmur and repine, if the King should commissionate none but Catholics, yet that would be but *Lex Talionis*, turning the Tables.

Therefore since he hath the power of dispensing with that Law, as appears by the Sentence in the King's Bench, we have reason to be thankful to the King, for the distribution of his favours so liberally to Protestants, which hath been so long denied to Unfortunate Catholics; who, if their Religion did not incapacitate them,
as

as Englishmen, Fellow-Subjects, and Gentlemen, are as fit for all sorts of Imployment as Protestants: And I doubt not but now that they are imployed, will as Bravely, Honourably, and Circumspectly discover their abilities, and, I hope, will keep so good a correspondence with Loyal Protestants, that are their Fellow-Servants to so great a Master, that the King may at least have that satisfaction, that he can unite them in a Camp, which he cannot do in a Church; and shew his great wisdom in Government, that he can be faithfully and effectully served by all his Subjects of different Religious Interests: And though the endeavours of several to explicate the Roman Catholic Religion more approachingly to the sentiments of Protestants, have not as yet had that effect they wished, yet it may be useful to let us see, that

in affairs of State and Government, such an intercourse and mixture may be, as former Ages have not known; and by the Conduct of our Gracious and Wise King, may be laid a foundation for better accord in future times, that we may not be at such feuds among our selves.

It is true, that under a Protestant King, there might be some reason to maintain the Protestant Church, so as it might neither be indangered by the Roman Catholics, or Protestant Dissenters; and by Sanguinary Laws (tho rarely put in use) people might be deterred from being of any other Communion; yet we cannot think that the same measures can be taken now, such circumstances varying the methods of proceeding; and in Government and Politicks new Emergencies may, yea must, render old Axioms obsolete.

Hence

Hence we take notice how imprudent these Informers are, who in our King's Reign, (more out of pretence and impotent zeal, than for any good concern to the Church of *England*) tempt the Justices, and instigate them to prosecute Catholics, by binding them to Sessions and Assizes; for what can be expected from this, but it will exasperate the King, and discover how desirous these are to persecute them, tho they know he will pardon the Transgression, in as much as it relates to himself.

Thirdly, Having thus far treated of the Natural and Religious Grounds the King hath to demand to have the Act repealed; I come now to the politic and more necessary part, as it relates to the legal constitution of the Government, which, by this Act of the Test,

3. It is against the Kings Prerogative.

I 3 suffers

suffers a great alteration in the abridging the King of an undoubted Prerogative of the Crown.

For the illustrating of which, I shall first give you the opinion of the most Celebrated Writers of the English Laws, of what nature the Kings Prerogative in general is. Secondly, That the Leigance of the Subject to his Sovereign, is judged among the principal Prerogatives of the King. Thirdly, How tender our English Ancestors have been of the Royal Prerogative. Fourthly, That the Test deprives the King of the Leigance, and of that Fundamental Prerogative of having the service of his Subjects. And, Lastly, Conclude with some Inferences from these Considerations.

The nature of the Kings Prerogative.

^a L. 1. In.

§. 11. 90.

As to the first, ^a Sr. *Edward Coke* saith the Prerogative extends to all Power, Preheminence,

nence and Priviledge which the Law giveth to the Crown.

^b *Bracton* calls it in one place ^b *Lib. 1.*

the Liberty, in another the Priviledge of the King. ^c *Bretton* ^c *Fol. 47.*

(following the ^d Statute) calls ^d *Weston 1.*

it *Droyt le Roy*, and the ^e Register ^e *c. 50.*

stiles it the Kings Right, ^e *c. 61.*

and the Royal Right of the Crown.

My Lord ^f *Coke* saith, the Prerogative of the King is given ^f *3 Instit. 84.*

him by the Common Law, and is part of the Law of the Realm.

^g *Stanford* saith the Prerogative hath its Being from the Com- ^g *Prerog. c. 1.*

mon Law, and the Statutes are but declarative. Properly speaking, the Prerogatives of the Crown are such powers as the Kings of *England* have reserved to themselves, as most necessary for the support of their Dignity, and the Government.

Therefore ^h *Sr. John Banks* in ^h *Rushworth's collect. 555.*

his argument about Ship-mony, affirms that the *Jura Summæ*

Majestatis, which are the Prerogatives, are given to the person of the King by the Common Law, and the Supreme Dominion is inherent in his Person.

*Mr. White
Majestas
Intemera-
ta. p. 30.*

Another judicious Lawyer, out of the Authorities he there cites, saith, *The Prerogative is inseparable from his Person, not grantable over, it is always stuck upon the King or Crown, and being inherent to the Majesty of a King, and part of the matter of that Majesty, is no more grantable, than the Majesty it self, or a Royal member of the Imperial Stile. These are the Characters given to the Kings Prerogative in general.*

2. The
Subjects
Allegi-
ance is
due to the
Crown.

Let us now in the second place consider, that among the Prerogatives of the Crown, It hath been always accounted one of the eminentest, principal, and fundamental ones, that the King, and none but he, may at
his

his own pleasure command the service of all, and every his Subjects in his Wars, and other Ministerial Offices, which they are bound to, by their Natural Allegiance.

Hence * *Sr. Edward Coke* styles ^{* 2 Instit.} Leigeance the highest and greatest obligation of Duty and Obedience that can be, and defines it *The true and faithful obedience of a Liege man to his Liege Lord or Sovereign*, and so calls it ** The Ligament or bond of Faith*, ^{* Vinculum Fidei, & Legis essentia.} and in ¹ another place he affirms, ^{17 Rep.} That it is not in the power of any Subject to dissolve this Obligation, saying, That he that ^{p. 9. amittit Regnum sed non Regem, amittit Patriam sed non Patriam.} abjures the Realm, may loose the Kingdom, but not the King, may loose his Country, but not the Father of his Country; agreeable to what another eminent ^{m Dyer, fol. 300.} Lawyer asserts, That none can divest himself of his Country, in which he is born, nor abjure his

dae

due Allegiance, nemo patriam qua natus est exuere, nec lieganciam debitam ejurare potest.

^{n 7 Rep.}
^{p. 4.} In *Calvin's Case* the famous
ⁿ Chief Justice saith, *That Lie-
geance and Obedience is an Inci-
dent inseparable to every Subject :
For as soon as he is born, he oweth
by Birthright, Liegiance and Obe-
dience to his Sovereign, therefore*
^{o 14 H. 8.} in several Acts of ^o Parliament,
^{61.} the King is called *The liege and*
^{43 H. 8.} *natural liege Lord of his Subjects,*
^{c. 3.} and his people, *natural liege Sub-
jects.* So that the liegiance is
due to the natural person of the
King, by the Law of Nature,
which is immutable; is part of
the Law of *England*; and was
before judicial and municipal
Laws, as the same great Au-
thor affirms.

^{p Lib. 1.}
^{Stanford}
^{Plez 54.} Long before him ^p *Bracton*
saith, *That things which are an-
nexed to justice and peace, belong
to none but the Crown, and dig-
nity Royal, nor can they be sepa-
rated*

rated from the Crown, for they make the Crown.

It is a known maxim in Law, saith the learned ^a Judge, that ^a Coke Re- every Subject is bound to defend ^{port 7. p. 7.} the King, and to go with the ^{ex Stat. 11.} King, and to serve in his Wars, ^{H. 7. c. 1.} as well without, as within the ^{2 Eliz. c. 2.} Realm.

The Liegeance to the Prince, saith a singularly well read Lawyer, is immutable, and absolute, in all places: It obligeth in all *ubi's*, and the liege man ought in duty of this faith, to perform to his Lord the Offices of a Subject, when ever he shall need his assistance, against all who *mori possunt aut vivere*, can die or live. ^{Majestas Intemerata.}

This is clear by Law and Reason. In the 48th ^{claus 48.} ^{H. 3. M. 3.} words of the Law are, *That the Knights and Free-tenants, and a'l others were obliged to the defence of the King*: And so ^{Tam militie quam liberi homines & omnes alii ad defensionem Regis tenentur.} 12 E. 3. All and every single person

son are bound to defend the King.

* 4 Instit. 7.
In periculo
Hostium
suorum.

Thence it was, that a Parliament judged it High Treason in *Nicholas Segrave*, that he withdrew himself from the Kings Hoste, leaving the King in danger of his Enemies.

u Lib. 2.
c. 1.

The ground of all which is what *Bracton* so long since hath noted, that to receive Justice and Protection, are the greatest benefits of this Life, and there can be no use of ^w Rulers without these Attributes; for if the Sovereign be abridged * of the Prerogative to exact Obedience and Liegiance from his Subjects, he hath but a small portion of the Sovereignty; indeed his Kingship must be precarious, as depending only on the good Nature of his Subjects.

* Roll.
Brit. 234.

7 R. 2. m.
Col. 1. c. 5.
19. 550.

Thence the Attorney General in the Argument of Ship-money saith, *The King (as Head of the Politic*

Politic Body) is furnished with
intire Power and Jurisdiction, not
only to minister Justice in Causes
Ecclesiastical and Temporal unto
his People, but likewise for de-
fence both of the one and of the
other: Whence the Clause in-
serted in the Register, *Ad pro-
videndam Salvationem Regis.*

Brañton² saith, *The Life and* ^{2 Lib. 1.}
Members of every Subject are in ^{fol. 6.}
the Power of the King: And a
^a Record saith, *Vita & membra* ^{a Pasch.}
sunt in manu Regis; both which ^{19 E. 1.}
are understood, that the King hath ^{Rot. 36.}
sole Power to command their ^{North.}
Service in his Wars, or other-
wise as he hath occasion.

The Lord Chief^b Justice saith, ^{b Instit.}
That if any Privy Councillor, ^{149. West.}
or other, cause one to enter into an ^{2. 39.}
obligation to serve the King, it is ^{1 R. 3. p.}
void; ^{2. c. 15.}
every man being bound to ^{Rot. Brit.}
serve him without it, and such ^{85.}
Writings are declared dishonour-
able; being every man is bound to
defend the King and his Realm,
and

and to do the service that appertaineth to him as his Liege Lord.

^c com. pl.
316.

The King is stiled the Sovereign and Chief Captain of Arms, all Power is his, no man may use Arms, so much as in Turnament, Tilt, &c. without the Kings License: The ^a Statute of Array is full in this, tho' not printed.

^a Rol.
Parl. 5 H. 4.
N^o 24.

This is further illustrated in that, if a Sheriff return that he is resisted in serving the Kings Writ; it is declared not to be good, because it redounds to the Kings dishonour, being presumed the King can command every one to obey: and the Sheriff hath Authority from him to raise the *Posse Comitatus*.

In former Ages, the Kings absolute Power in disposing the Militia, was never disputed. It was the black or bloody Parliament only, that assumed to themselves coordinate Power,
and

and challenged the Power of ordering the Militia, for preserving the Kingdom, without and against the Kings consent; which occasioned the first Parliament of King Charles the Second to declare in the preamble of the Act^c, *That it is, and* ^{c. 13 Car. 2.} *ever was the Kings Prerogative* ^{c. 6.} *alone to dispose of the Militia of* ^{14 Car. 2.} *the Nation, to make War and Peace, League and Truce, to grant safe Conduct without the Parliament; and that he may Issue out Commissions of Lieutenancy, empowering them to form into Regiments, and imploy them as well within their own, as other Countries, as the King shall direct.* ^{c. 3.}

Since the taking away Tenures, it is true, the Method of raising Men hath been something altered; but before the imposing of the Oaths of Supremacy and Allegiance, and now this Test, we find no qualifications of the persons required

quired, but that they should be *habiles Corporis*, of able Bodies, fit to serve the King and Country: And tho this Test doth not totally deprive the King of the service of his Subjects; yet it diminisheth his Authority, and takes away the corporal Service of a considerable number of his Liege people.

Thirdly,
How careful our
Ancestors
have been
to pre-
serve the
Prerogatives.

I now pass to the third particular, in which I shall in some few instances shew how careful the Houses of Parliament have been in preserving inviolable the Prerogative of the Crown; or when by any pressing emergency they have been invaded, that the Judges have determined that the Kings of *England* might by a special *non obstante* dispence with the penalty of them.

This Question about the Test being wholly new, and such a Weakening of the Prerogative
as

as hath not been known in our Ancestors days, you cannot expect any clear discission of it in the Books of the Law. All one can do in such a case, is only to produce some Maxims, Presidents, or parallel Cases that may affect it most, which without the help of any ones Collections, as having never perused any of the Arguments in Sir *Edward Hales Case*, I shall out of my own small reading offer these following to your consideration.

The Attorney & General affirms, *That an Act of Parliament doth not extend to take away the Common Right of the Crown, and saith, That hath been the exposition of the Judges, of Acts of Parliament that have done so.* He instanceth in the *Magna Charta*, of King *Johns 17^o Regni*, where it is said, *That no Scutage or Aid should be without assent of Parliament*: So that in this there

*Rush-
worth's
Collects
578.*

130. Church of Engl. Behaviour

was no exception of an Aid to Knight the Kings Eldest Son, or marry his Eldest Daughter; yet it was resolved in this case, that by that Charter those Aids were not abolished, they being due by the Law of the Land, and so it was declared, 25 E. 1. cap. 1.

⁸ *Westons.* We find an Antient Statute in King ⁸ *Edward* the First's time, wherein the King speaks thus, *That he had done this for the Honour of God, the Honour of the Church, for the Common-weal, and for the remedy, disburthening and ease of them that be grieved; yet this should not be prejudicial to him, or to his Crown, but that the Right, which to him appertaineth, should be saved: Which Sir Edward Coke calls the Kings Right of his Crown and Pre-rogative.*

^h Roll.
Parlia-
ment.
43 Ed. 3.
No 7.

It is declared by the Lords and Commons in full ^h Parlia-
ment, upon demand by the
King

King, *That they would not assent to any thing in Parliament that tended to the disinhereson of the King and the Crown, whereto they were sworn.*

This makes the Chief Justice censure as a great fault the omission in the printed Statute of 2 R. 2. in confirmation of Liberties these Words, *Saving to the King his Regality*, which are found in the Parliament ^{i 4 Instit.} ^{51.} ^{k Roll. Parlam. 2 R. 2. Stat. 2. cap. 4.}

A Lawyer of no small esteem faith, *The Commons of England have ever been exemplary for the tendernefs of the Kings Honour, and the maintenance of the Sovereignty*: But this was before they medled so much with Articles of Religion. ^{1 Davis Reports 86.}

So in latter times 3^o Car. 1. both Houses declared, upon passing the Petition of Right, *that they have neither intention nor power to hurt the Kings Prerogatives.*

Thus far as to the regard our Ancestors have had to the Royal Prerogative. Now I shall in a few particulars shew the resolutions of the Judges, in such Cases, when Acts of Parliament have intrenched upon them.

In the 13th of ^m Richard the Second. Stat. 2. cap. 1. it was enacted, *That no Charter of Pardon, unless so and so qualified, should be from thenceforth allowed by the Justices for Murther, Treason or Rape, and if it were otherwise, the Charter to be disallowed:* Yet my Lord Coke saith, *This did not bind the King, the granting of Pardon being the Kings Prerogative, incident solely and inseparably to the Person of the King.*

^m 4 Instit. 42. How the Judges have resolved upon Acts of Parliament that Infringe the Prerogative.

^m Ibid.

The same Richard the Second bequeathed ⁿ certain Treasuries to his Successor, on condition to observe the Acts made the 21 Reg. *This was held unjust and unlawful, for that it restrained the Sovereign Liberty of the King*

King his Successor. And the same Reason, saith a judicious
 ° Lawyer, may serve to over-
 throw a Statute, which shall unjustly ^{o Maje-} ^{stas Inie-}
 and unlawfully restrain the same ^{murata.}
 Sovereign: Nor had, saith he,
 this bequest been of more strength,
 had it been enacted by Parliament;
 Injustice being Injustice, and
 Unlawfulness Unlawfulness every
 where.

It was ^P enacted 23 H. 6. That ^{P Cokes}
 no man should serve the King ^{Report.}
 as Sheriff in any County above ^{12. p. 14.}
 one year, but the Grant should be
 void, the person accepting it, pay
 two hundred pound; and it was
 expressly provided, that the King by
 a non obstante should not dispence
 with it. Yet it was agreed
 2 H. 7. against the expresse
 provision of that Act, That the
 King may, by a special non
 obstante, dispence with the Act,
 because no Act could debar the
 King from the service of his
 Subjects, which the Law of

Nature did give unto him.

¶ *Ibid.* p.
18.

In the 37 H.6. it was enacted,
*That none should be Justice of
Assize, &c. in the County where
he was born, or did inhabit: Yet,
saith the same judicious Lawyer,
the King with a special non ob-
stante may dispence with it, and
gives the reason; for that it belongs
to the inseperable Prerogative of
the King, viz. his power to com-
mand to serve.*

¶ *Ibid.* p.
18.

The same Lord Chief Justice,
in the same report, is more ex-
press, and as full as if he had
foreseen this present Case of
ours, where he affirms, *That
no Act can bind the King from
any Prerogative, which is sole
and inseperable to his person; but
that he may dispence with it by a
non obstante, and instanceth in
the Sovereign Power to command
any of his Subjects to serve him
for the Public Weal. For this,
saith he, is solely and inseperably
annexed to his Person, and this
Royal*

Royal Power cannot be restrained, continues he, neither in Thesis nor Hypothesis, but that the King by his Royal Prerogative may dispence with it: For all which he gives this most unanswerable reason, because upon the Commandment of the King, and Obedience of the Subject, doth the Government subsist.

I might add very many more Authorities, as *Edm. the Thirds* repealing an Act of Parliament by Proclamation, as consented to upon necessity: But I shall leave that to those whose Province it is, and close this Head with one Observation.

We are all commendably and justly tender of the preserving the Liberties and Enfranchisements we enjoy, by the gracious Condescensions of our Princes, and are vigorous maintainers of our Properties; and ought we not to own, that there is as good reason, that the Kings of Eng-

*Quicquid
in Regali-
bus est
Ita est Prin-
cipibus
privatum
ut Subditis
quod suum
est. Selden
prefat.
Mare Clau-
sum.*

*Maje-
statis Inte-
merata.*

*12 Rep.
18*

land should be as solicitous to preserve their Prerogatives which are their right? For as a most judicious & Antiquary and Lawyer expresseth, *Whatsoever belongs to the Kings Royalty, he hath as much Propriety in it, as the Subject hath in any thing that is his.*

We must likewise consider, that the King is as much sworn to preserve the Right of his Crown, as the Liberties of the People: Therefore we find that branch in ¹ some Coronation Oaths, that the King swears *he shall keep all the Lands, Honours, and Dignities of the Crown, righteous and free, in all manner whole, without any manner of minishment: And the rights of the Crown, hurt, decay or lost, to his power shall call again into the Ancient Estate.* Therefore my Lord ^u Coke praiseth King Henry the Second, in that he was a great Defender and Maintainer

tainer of the Rights of the Crown.

Having dispatched these Heads, I now come to the application of them, to the Test, which, as the Case now is, and ever will be so long as it stands unrepealed, deprives the King of the Allegiance of such of his Subjects, as either Conscientiously or Designedly refuse the taking of the Oaths, and affirming the Declaration enjoyned. The Inconveniency of which is double: First, In robbing the King of so necessary and fundamental a Right over his Subjects, in commanding them to serve him in Offices Military and Civil, without which he is but a very Impotent Sovereign, and cannot exert that necessary Justice of Protecting, Rewarding and Employing his Subjects, which surely is not only much to the dishonour of the Sovereign, but an unsufferable restraint,

Inferences
from the
premises.

³¹ Eliz. *stat.* ^{c. 4.} straint; And if ³¹ Imbezelling Pur-
loynning, and Conveying away
the Arms, Ordnance, Munition,
Shot, Powder, Habiliments
of War, &c. is declared Fello-
ny; what sort of Crime shall
it be in any to withdraw him-
self from the Allegiance and
Duty to his Sovereign, to serve
him personally when he com-
mands it?

This leads me to the Second,
viz. the Subjects part, for this
puts the Subject in a state and
condition either of disability, or
denying to serve his Sovereign
at his pleasure: for those who are
Roman Catholics cannot, while
such, take the Oaths and make
the Declaration, they being so
penned, that none of that Faith
can own them without renoun-
cing their Church; the Act
containing nothing in its own
Nature essential to Obedience,
but only controverted points of
Faith.

So

So, many others who are not willing to serve the King in Military and Civil Employments, by pretext, that they cannot with a safe Conscience take the Oaths, &c. Instantly obtain a Dispensation from their Allegiance, which ought to be absolute and unconditionate, and whatever may be the case of some few, may be of many; and consequently a Prince may be deprived of the necessary Aid of his Subjects, even when any Rebellion or Invasion should happen; for tho the King be willing to dispence with their not taking those Oaths; &c. Yet they may insist upon the penalty which they may pretend they cannot be secured from.

Here I must answer an Ob-Object, jection that I foresee will be urged, that *Contra Hostem publicum quilibet homo est miles*, against a public Enemy every man

man ought to be a Soldier, and so it cannot be the intent of the Law, that the King should be deprived of his Right to arm whom he pleaseth and can confide in, in such a Conjunction; but only it was designed to hinder Catholics from being Commissionated and Employed in times of Peace.

Answer.

But who ever peruseth the Act, will find no such Exception or Limitation; which is a very rational plea against the equity of the Act, that taking away so great a Prerogative, makes no provision for the safety of the Crown, even in such cases.

I remember my Lord Coke, speaking of the statute 11 H. 7. saith, *It hath a flattering preambles, pretending to avoid many mischiefs*, yet it was found that by colour of it, *Empson and Dudley*, did many enormous things; therefore he observes that, *When*
any

any Maxim, or Fundamental Law of the Realm is altered, it is incredible to foresee what dangerous mischiefs follow.

It becomes therefore all Lovers of the Monarchy of *England*, to be very careful to consider the dangerous consequences of taking out, or undermining any Corner Stone of that Royal Fabrick, and in this particular case to deliberate well of the dangerous sequels of such Laws as limit the Sovereign to use only persons so and so qualified.

For by the same president, we cannot tell, if a Prince should succeed that shall be a Calvinist, or of any other perswasion opposite to the Church of *England*, and obtaine a Parliament to his purpose, but that he may make renouncing of the Episcopal Government, or the Church of *England*, a condition absolutely necessary to capacitate any to serve in any public

lic Employment, and then we should find too late how cautious our Ancestors ought to have been to consider consequences of things.

We have a fresh instance of this in the Kings Supremacy: which Act being purposely designed to abridge the Popes power here in matters Ecclesiastical, hath heightned so much the Kings Power above what the Pope, or any other Ecclesiastical Court ever had; that now the Church of *England* finds how much they are at the Kings pleasure, and must necessarily rely more upon the Kings clemency, than upon any security they are in, by that Act: So that if some men had considered the extent of this, it is probable they would have acted with more caution and observance.

S E C T. XIV.

Concerning the Sanguinary and Penal Laws against Roman Catholicks.

BEfore I proceed further, I think it necessary to speak something to the Sanguinary and Penal Laws against Roman Catholics; made upon the rejecting the Pope's Supremacy in Ecclesiastical Matters; and for securing the Sovereigns that were Protestants, and the Religion established since the Reformation.

For the clear illustrating of which, I shall, 1st. Shew what the Principal of those Laws were. 2^{ly}. The grounds and reasons why they were made. And, 3^{ly}. Shew that as to the security of the Civil Government, the ends for which they were made,

made, now cease; and then proceed to lay down the Inconveniences that will attend the not repealing of them.

An A-
bridge-
ment of
the Penal
Laws.

As to the first, In the 35 H. 8.

c: 1. A Statute was made, wherein it is declared Treason in any who refuse to take the Oath (commonly called of the Supremacy of H. 8. to distinguish it from that of Queen Elizabeth.)

The persons there appointed to take it, are to swear, that, *Neither the See nor the Bishop of Rome, nor any foreign Potestate, hath, or ought to have any Jurisdiction, Power, or Authority within the Realm, &c.*

1 Eliz.

That of Queen Elizabeth appoints all to swear, that, *No foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Prehemenency, or Authority, Ecclesiastical or Spiritual, within the Realm: And in the 5th. of the Queen, the refusers*

to take it, are guilty of a Pre-
munire. And in the former Sta-
tute, *No man shall by Writing,
Printing, Teaching, Preaching,
&c. maintain, or defend the Au-
thority, Preheminency, Power, or
Jurisdiction, Spiritual or Ecclesi-
astical, of any foreign Prince,
Prelate, Person, State, or Poten-
tate, which was heretofore clai-
med, &c. within this Realm, for the
third offence shall suffer as a Tray-
tor.*

Anno 13 Eliz. cap. 2. It was
Enacted, *That if any person use
or put in use, any Bull, Writing,
or Instrument Written, or Print-
ed, of Absolution or Reconciliati-
on; or if any shall take upon them
by colour of any such Bull, Wri-
ting, &c. to Absolve or Reconcile,
any Person or Persons, or pro-
mise such Absolution, or Reconcili-
ation, it shall be judged High
Treason.*

So, bringing of *Agnus Dei's,*
Crosses, Pictures, Beads, or such
L like

like vain and superstitious things from the Bishop or See of Rome, or any authorized, or claiming Authority from the Bishop or See of Rome, to Consecrate or Hallow the same, shall be guilty of a Pre-munire.

27 Eliz. c. 2. *All Jesuits, Seminary Priests, or other such Priests, Deacons or Religious, or Ecclesiastical Persons whatsoever, born within the Queens Dominions made, ordained, or professed, by any Authority, or Jurisdiction, derived, challenged or pretended from the See of Rome (unless upon some occasions allowed by the Act) that shall be known to come into, or remain in the Realm or Dominions, shall suffer, lose, and forfeit as in case of Treason: Also all such as shall willingly, and wilfully receive, relieve, comfort, aid, or maintain any such (being at liberty and out of Prison) shall be adjudged Fellons.*

Like-

Likewise to give or contribute any money, or other relief, to such out of the Dominion, or for maintenance of any Colledge of Jesuits or Seminary Priests, shall incur the penalty of Premunire.

I need not mention the severe Laws of that Queen against convict Lay Recusants : As confining them within five miles of their Habitation, and the poorer sort that had none, to Prisons, or other Restraints ; and to the end that *the Realm be not pestred and overcharged with the multitude of such seditious and dangerous people, they must abjure the Realm.*

King James the 1st 1^o Reg. c.4. Confirms all the Laws of Queen Elizabeth against Jesuits, Seminary Priests, &c. and enjoyns the taking of the Oath of Obedience, commonly called Allegiance, which was more directly to oblige to Fidelity, than in point of Faith, and only enjoyned to repair to Church, and con-

tinue there during the time of Divine Service, and not to send any to Seminaries beyond Seas.

cap. 4. But in the third of his Reign, when the Gun-powder Treason was discovered, the Laws were made more severe, that *If any shall put in practice to absolve, persuade, or withdraw any of the subjects of the King, or of his Heirs from their Natural Obedience to his Majesty, his Heirs, or Successors, or to reconcile them to the Pope or See of Rome, it shall be High Treason, and those that are willingly absolved or withdrawn, as aforesaid, or willingly reconciled, shall be adjudged Traitors.*

c. 5. At the same Parliament it was enacted, that *Recusants should not come to the Court, that they should depart from London, be confined within five miles of their Habitations: Convict Recusants should be as Excommunicate Persons, made incapable of most Offices*

Offices Civil, or Military, of practising Law, Physick, &c. Which no doubt gave rise to the Test, and which in its full extent was never put in use, and hath been connived at, or dispensed with, under Protestant Princes ever since. Likewise under several penalties they were to Marry, Baptise, and Bury according to the Laws of the Realm.

Now if we enquire into the grounds of all these Laws, we shall find them expressed in the several Acts, as in that of the 35^o of H. 8. it is said to be made in Corroboration of that made in the 28th of the same King, *To exclude the long usurped Power, Authority, and Jurisdiction of the Bishop of Rome.*

The
grounds
of these
Laws.

That of the first of Queen Elizabeth, is to the intent, *That all usurped and foreign Power, and Authority, Spiritual and Temporal, may for ever be clearly extinguished, and never to be used or*

obeyed within this Realm, &c.

In the 5th of the same Queens Reign the grounds are expressed, *For the avoiding both of such hurts, perils, dishonours, and inconveniences, as have before time befallen, as well to the Queens Majesties Noble Progenitors, Kings of this Realm, as for the whole estate thereof, by means of the Jurisdiction and Power of the See of Rome, unjustly claimed and usurped within this Realm, as also of the dangers by the fautors of the said usurped Power at this time grown to marvelous outrage, and licentious boldness, and now requiring more sharp restraint and correction of Laws, &c.*

Cap. 2.

The Reasons for the passing the Act of the 13th of the same Queen, is more full, *viz. That divers seditious and very evil disposed people, minding not only to bring the Realm and the Imperial Crown thereof (being indeed of it self most free) into the Thral-*

Thralldom and Subjection, of that Foreign, Usurped, and Unlawful Jurisdiction, Preheminency and Authority claimed by the See of Rome, but also to estrange, and alienate the minds and hearts of sundry her Majesties Subjects from their dutiful Obedience, and to raise and stir Sedition, and Rebellion, within this Realm, and so mentions the Pope's Bull to absolve and reconcile all those that will be contented to forsake their due obedience, whereby hath grown great disobedience and boldness in many, not only to withdraw, and absent themselves from all Divine Service, now most Godly set forth and used in this Realm, but also have thought themselves discharged of, and from all obedience, duty and allegiance to her Majesty, whereby most wicked and unnatural Rebellion hath insued, and to the further danger of this Realm for hereafter very like to be renewed, if the ungodly and wicked at

tempts in that behalf be not by severity of Laws restrained and bridled.

cap. 2.

The 27th of the same Queen lays no stress upon Religion, but only on the security of the State, altho it was the first Act that prohibited Jesuits & Priests to come over and stay here, under penalty of Treason, without whose Offices, the Roman Catholics could no ways exercise their Religion: The grounds in that Act are expressed, *That of late Jesuits, Priests, &c. have come and been sent into the Realm, &c. of purpose, not only to withdraw her Highness Subjects from their due obedience to her Majesty; but also to stir up and move Sedition, Rebellion, and open Hostility within the same, &c.*

cap. 2.

The Act of the 35^o of that Queen expresseth, that *For the better discovery, and avoiding of such traiterous and most dangerous conspiracies and attempts, as*
are

are daily devised and practised against the Queen by sundry wicked and seditious persons, who terming themselves Catholics, and being indeed Spies and Intelligencers, &c. hiding their Detestable and Devilish Purposes, under a false pretext of Religion and Conscience, &c.

In the Act of the first of King James the first, the grounds are, *For the better and more due execution of the Statutes heretofore made against Jesuits, Seminary Priests, and other such like Priests, as also against all manner of Recusants, be it ordained, &c.*

Cap. 1.

The third of the same King expresseth the Reasons thus; *For as much as it is found by daily experience, that many his Majesties Subjects that adhere in their hearts to the Popish Religion, by the Infection drawn from thence, by the wicked and devilish counsels of Jesuits, Seminaries,*
and

and other like Persons dangerous to the Church and State ; are so far perverted in their Loyalties and due Allegiance unto the Kings Majesty, and the Crown of England, as they are ready to entertain and execute any treasonable conspiracies and practices, as evidently appears by that more than barbarous and horrible attempt to have blown up with Gun-powder the King, &c.

Having thus given a short draught of the severe Laws against Roman Catholics, and the Reasons and Grounds of them : It is obvious, that those for the Supremacy were enacted principally to exclude the Popes Authority in Matters Ecclesiastical, which opposed King *Henry the Eighth's* Divorce, and the Reformation of the Religion begun : So that a Subject in point of Conscience, and mere Matter of Faith, that could
not

not be induced to believe a King and Prince capable of being Head of the Church ; but shall be invincibly perswaded (how erroneous soever) that the Pope is *St. Peter's* Successor, and Christs unquestioned Vicar upon Earth, and cannot, without hazard of his Soul, consent to acknowledge otherwise ; yet notwithstanding (by those Laws) this invincible perswasion, without any other Crime, is interpreted High Treason, and punished as such ; and Sir *Thomas More* Lord Chancellor, the Bishop of *Rocheſter*, and others, suffered death upon that account.

In others of them, not only Priests, for receiving Orders according to the Rites of the Church of *Rome*, and coming over to Exercise the Office of their Function, but such as were converted to the Romish Faith, or Reconciled, were involved in the Crime of Felony or Treason,

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son, without lifting an hand, uttering a Word, or imagining the least disloyal thought against the peace of the Nation, where they were Subjects.

First consideration how the grounds of those severities now cease.

Therefore first it must be considered, that since some of these Laws were made in the tender Age of the Reformation, when our Princes were very careful, that it might not be overlaid in its Swathing Cloaths: but now it is at a manly and masterly growth and back-set with so numerous a Progeny and powerful Abettors, that it can plead a prescription and possession sufficient to maintain it self by Argument and Vote. Therefore we cannot now judge such severe Laws so necessary: there being no such danger of the Popes exercising any other Supremacy here, than what is purely spiritual, over those of that Communion, in the Divine Offices of
their

their Religion, without having any power to dispose of any Benefices, endow Religious Houses, or establish any Religious Polity over the Protestant Subjects : And as to any Temporal Jurisdiction, it is impossible he should receive any thing of that, which hath been so strenuously opposed, even while the whole Nation, in Spirituals, submitted to the Doctrine and Discipline of that Church : and I think all may be well satisfied, that our King is no ways disposed to quit any of his Royal Prerogatives, or subject his Crown to any other Potentate upon Earth.

Secondly, It ought to be remembered, that in Queen *Elizabeth's* time, there grew a strong Faction in the State, by reason of the doubtful legitimacy of that Queen, as being by the Pope, and all Roman Catholics looked upon as born out of lawful

The second Reason.

ful Wedlock, (her Fathers Wife Queen *Catherine* being then alive, and her Mother married to the King, before a legal Divorce, according to the Ecclesiastical Laws then in force) which occasioned the Roman Catholics here, to be great Favourers and Abettors of *Mary* Queen of Scots; so that there was a political necessity in Queen *Elizabeth*, and those that adhered to her, (and upon that account were desirous to preserve the Protestant Religion she embraced) with all the Art and Industry they could, by the severest Laws, to secure the one and the other; and by reason of several Attempts, Insurrections, and Forreign oppositions, the unfortunate Queen of Scots was put to death, for the safety of that Queen, which the Politicians of that Age thought could never be, as long as her Ryval lived.

There-

Therefore we must look upon those Laws as made mostly for the security of the Sovereignty against Roman Catholics, who, as such, were adjudged the greatest Enemies to it: So that if we consider the times when, and the persons upon whom the bloodiest Laws were executed; we shall find that they were principally, (if not only) when the State was either in real or imaginary danger from such: Whence it was, that the great States-man, the Lord *Burleigh*, published that Discourse, *That Papists were not put to death here for their Religion, but for their Treasons*: Tho whoever considers how the security of the State and of the Religion was interwoven; will find it requires a subtil head to separate them.

However the Case is now wholly altered, the Succession of our King is not in the least dispu- The grounds of them now cease.

disputable by Roman Catholics or Protestants; so that there can be no ground to keep up those in force, for any other end, than the securing the Protestant Religion only : So that we must invalidate all my Lord *Burleighs* Arguments, and bottom all our reasoning upon Religion, if we plead for those Laws, which cannot fully be justified, but by avowing of that position, so much exploded by the Church of *England*, that *Dominion is founded in Grace*: which dangerous Doctrine, if it were once yielded, no Prince could be safe from those that would alledge (and were powerful enough to prove it) that a Prince was not as holy as they, or of their Society; and where punishments, of the severer kinds, are inflicted for different modes of Worship (where neither Immorality, Sedition, or Treason deserve it, or it is not done

done with due reference to the peace and tranquillity of the State) we must ground them on the same Principle, that because such, and such, are not Believers of the true Faith (which the present Rulers would infer they only had) must be cut off, or punished, as Malefactors: Whereas it seems much more agreeable to Christian Moderation, and the Rules of true Policy, that where any Church is legally settled, the care of preventing mischiefs should be left to the Government, which no doubt would provide redress by suppressing Sedition, whereby none but such as were Factious, Turbulent, and endanger the peace of the Government, might be under any pressure, or forced to withdraw their effects, and forsake their Country, or to live in obscurity and reservedness, as people under the hatches: all which do manifestly impoverish

a Country. However in our case it seems an unbecoming distrust of the intrinsic goodness of our Religion, or the strength of our Arguments for it, when it must be defended by Club-law: And since we are out of all danger of Roman Priests Trafficking for Forreign Invasions (as when the severe Laws were made, the State was apprehensive of) or of plotting and contriving against the King and Government; It is too great an Argument, that the refusing to take off the penal Laws, and that we do not acquiesce and yield to the moderate desire of so gracious a King, is more out of an inclination to gratifie Humor, and Contention, than for any other Cause. It being sufficient that if ever such a time should occur, wherein the State should be indangered by Roman Catholics, the severities might be reinforced.

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When therefore we consider, that the sanguinary and penal Laws now in being, are severe to the utmost extremity: When a Turk or a Jew (not to mention other professions more turbulent in a State) are not under any such impending Lash: And consider what an after reckoning they may undergo, so that (the Laws standing) not only Priests, and new Converts, but most of the old hereditary Roman Catholics must be forced to flee, or abscond themselves. And as to the Test, however the King may, for his time, dispence with the taking of it; and grant Pardons to, and Indempnifie the not-takers of it, *toties quoties*; yet who ever shall act after the very last Pardon, may be informed against under the next Protestant Successor; and then it may be doubtful, whether the Kings dispensing Power will be allowed or not.

I say, if there were no other Reasons ; the King hath from hence sufficient cause to insist earnestly upon the repealing these Laws and the Test ; and it is probable , almost to a demonstration , that if this had been frankly granted, it would have satisfied the King , and have composed the minds of Roman Catholics , who, being placed in a condition of safety, would have continued that esteem they had for the Church of *England* , ever since the late Civil Wars , when they were the only fellow-sufferers.

SECT. XV.

The Inconveniencies that will attend the not repealing of Penal Laws, and particularly the Test.

HAVING premised this, I come to treat of the Inconveniencies, the denial of the repeal of these Laws brings with it: (*viz.*) First, That it raiseth in his Majesties Royal Breast a prejudice against our Church and Religion; and the effects of the unkindness it may beget, appears to me of a much more dangerous consequence, than the taking off the sanguinary and penal Laws can produce: so that in stead of acting for the preservation of our Religion, we expose it to more

imminent and apparent danger, and inconsiderately run upon the Rock we would avoid ; since such unaccountable obstinacy hath not only, in all probability, occasioned the enquiry into the Kings Power in dispensing with the penal Laws, the displacing of Ministers of State, and Officers in the Army , and Commissionating a greater number of Catholics than otherwise would have been admitted , the taking Catholic Lords into the Council, and granting the Commission for Ecclesiastical Affairs ; but may oblige the King to make still greater Changes amongst his Officers, Ministers and Judges , than otherwise he intends : All those holding their places only during his Royal Pleasure, so that without violating any Law, he may at one stroke remove most Protestant Officers from the Administration of Affairs of State under him : And
we

we know not what Changes and Alterations this wayward and unseasonable stiffness, may induce his Majesty to make in the external Government and Polity of the Church, by the Power of his Supremacy and Prerogatives: And surely the extruding of, Protestants from Power and Authority, either in Church or State, under the King, is likely to be a vaster prejudice to our Religion, than the repealing the Test can be.

Let us therefore think how much we are bound, even in Christian prudence, for the sake of our Religion, not to provoke the King to withdraw his Indulgence to us, in the Exercise of that Religion, which he graciously offers to protect, and which Grace we ought not to requite by urging the keeping up those severities against those of his Religion, which most Protestants would decline to

execute, if they could, and which we cannot, if we would, until we first renounce obedience to Gods Command, and Submission to our Sovereign, by refusing, if not overthrowing his Sacred Authority and Power: Whereas we are tyed by our Principles and Religion not to resist, it being a chief and Essential Position and Doctrine of the Church of *England*, to render Active, and when we cannot do that, Passive Obedience to our Sovereign; and what ever we suffer, it will not excuse us from the Guilt and Crime of indamaging and indangering our Religion, by this unnecessary giving occasion to it: when we might have saved, not only our Reputations of being most dutiful Subjects, but won so far upon the heart of our Royal Master, that it would have been in the power of none to have estranged

stranged his Affections from us.

The Spirit of moderation becometh Christians, and Calmness, and Discretion becometh Subjects in all dealing with their Sovereign; and we may be assured, that the greater invitation we give our King by these Virtues, the greater assurances we have of his Protection of our Religion, and the preservation of the present Peace, and Tranquility which we enjoy.

Let us not therefore, by denying what we cannot hinder, lose the greatest Blessings, and Happinesses we may retain, that King and People may live in that happy and good understanding, which may continue, and Crown the sweetness and easiness of his Royal Government over us, and of our Tranquility, Prosperity and Happiness under his Shadow.

Secondly,

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nience.

Secondly, Till these Laws be taken off, it will continue those most dangerous of Evils, that can befall the King and People, when there is no good correspondence betwixt the King, and the two Houses of Parliament.

On the Kings part, *first*, we may call to mind the miserable times of King *John*, and King *Henry* the third, and those more fresh and never to be forgot under King *Charles* the First. *Secondly*, However prudent and wise a Prince may be, yet the watchful envy or designs of some Neighbour Potent Prince or State, may necessitate our King to defend his Merchants, or Plantations, to succour his Allies, or to secure his People from Damage or Hostilities, whereby he may be forced to have recourse to his Parliament for Aid, which, while a good correspondence is wanting, may render them slow to grant, or
upon

upon unequal Conditions. *Thirdly*, This will give an opportunity to all sorts of Male-Contents, and Enemies to the Monarchy to bestir themselves, to embroil, and ferment the People into some dangerous Defection, Sedition or Rebellion.

On the Peoples side, the mischiefs that will befall us by this want of a good understanding betwixt the King and his two Houses, will be, first, that since our King by a mature Age, and a great Experience of all affairs relating to Arms and Government, is fitted and enabled more than most of his Royal Predecessors to aggrandize himself, and give renown to his Subjects, by buoying up whatever hath been sunk in the reputation of the World: And is able to increase the Traffick of his people, and enlarge their Commerce, and his Empire, and make as great a Figure in the
World

World as any Crowned Head. All the Blessing, we and our Neighbours might expect from so qualified a Prince, will be utterly lost; so that in stead of transporting his Cares, Counsels and Arms into foreign parts, he shall be necessitated to confine them within the Circle of his own Dominions, only to keep them from Sedition or any worse mischief: So that the hopeful opportunities, which the World knows our King might have to hold again the Ballance of Europe, and make us as flourishing a people as ever, will be totally lost: To the great satisfaction, no doubt, of some of his Neighbours, and the general and irreparable loss to us and our Posterity, who with sad reflections may lament the occasion of this dispute.

Secondly, Such a want of good Correspondence betwixt the King and his two Houses, will hinder

hinder us from obtaining such advantageous Laws, for the benefit of the Subjects, as, this Remora being removed, might rationally be expected; among which, most probably, one or more; might be a Corroborati-
on of the Kings Gracious Promise of protecting the Church of *England*, and whatever else the two Houses might find useful for the public good.

Lastly, This Non-correspondence must gratifie and encourage all the Enemies to Monarchy, and all those who were for the Bill of Seclusion; this Discord being the only pleasing Harmony to them, who never hug themselves with so full an *Obe!* of content and satisfaction, as when they find the Crown in any straits; or can foment (if not conjure up) a Spirit of Jealousie betwixt the King and his Parliament, and when they have stolen the Peoples

ples Hearts from the King, they are upon the Tiptoes of hope, that they may strike in for the prize.

If we have not a feeling sense of the miserable state, that Sedition and Rebellion (It's most savage Elder Brother) will bring us all to , let us consult our bloody Annals, and our Ancestors deplorable experience, and then ponder well, whether it be *Tanti* , to move Heaven and Earth, harras our Country, and embrue it with the blood of so many of our Countrymen and nearest Relations, and at last fight our selves into a much worse condition, than we are ever like to be in by granting this Repeal; which in this juncture is most reasonable, if not for our Kings sake, and the Roman Catholics; yet at least for our own peace and tranquility, and the establishing our hopes of his Majesties kindness to our Church.

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The last Reason I shall urge, is, that the refusing to Vacate these Acts may necessitate the King to grant a Toleration, which, of all things, the Church of *England* hath hitherto most dreaded, and to which we may believe the King is well enough inclined out of a principle of clemency to his people in general, as well as Indulgence to his Catholic Subjects; which altho his Royal Brother (after an essay) at the earnest solicitation of his Parliament, was Graciously pleased to recal, to gratifie the Church of *England*, yet we cannot expect that our King (not having those motives, and being courted by so many to grant it, and finding the extension of his Supremacy) will think it his Interest to revoke it if he once establish it.

The last
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Here it will not be a miss to
twixt Roman Catholics, and other Dissenters from the
Church of *England*.

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consider, the great difference there is betwixt Roman Catholics and other Dissenters, while the Laws are in force: The Non-conformists may meet to the number of Five, besides the Family, and have their Pastor, or Teacher with them, and the disagreeableness betwixt them and the Church of *England* is not so great, but that those who have Estates, or desire to obtain Offices of honour or profit (even to do the Crown a disservice, as we found in those that were to capacitate themselves to be Sheriffs in the late times) could readily Conform. Whereas Roman Catholics are in extream peril from the very harbouring their Priests: so that in this the Roman Catholics are in a sadder state than any Christians are: For to exercise their Religion without Priests, for performing the Office of Baptizing, Administring the *Blessed*
Sa-

Sacrament, burying the Dead, &c. Is in that Church (and ought to be in all others) impossible, and to have them for celebrating these and other Divine Offices (as the Laws now are) renders them obnoxious to the punishments inflicted on Felons and Traytors ; and there is no possibility of the Roman Catholics, as such, conforming even so much as in going once a month to Church , without putting themselves out of the Communion of their Church , which, with them, is to be avoided more than the utmost sufferings.

When therefore we consider the Unchristianness of such severe Laws under our circumstances, and reflect that tho the greatest part of the disquiets, from the Tenth Year at least of Queen *Elizabeth*, have arisen from the pretences of keeping out Popery, and the Advanta-

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ges the Long Parliament had against King *Charles* the First, was from that source, and the troubles of our late merciful King, were bottomed on the same apprehensions; and yet now that we see it's actually practised, we find no such dreadful events; but that the Vizard was portraied much more terrible than now when it appears with open face; and now, when we see the publick exercise of the Roman Catholic Religion, we only find it gazed at as a Novelty, but no affrightments attending it; and we find, what we understand in Sermons and Catechizing is Christian and profitable, and what we understand not in Ceremonies, we see full of Pomp and Magnificence, and further we see not.

I say, when we consider all this, and that it is in our choice, whether we will allow the sanguinary and penal Laws to be
abol-

abolished with a security in the exercising the Protestant Religion; or on the contrary, the Inconveniencies before recited, and a Tolleration to boot; methinks it should be no difficult matter to determine which were more advantageous.

Having thus shewn some of the disadvantages to Us and our Religion, by the refusal of a Repeal: I might propose the advantages which will accrue by yielding up those Laws the King hath such an obligation in Honour and Justice (at least in his own Royal Apprehension) to insist upon, but that the removal of the one, puts the other in their place.

S E C T. XVI.

The practicableness of Roman Catholics and Protestants living under one Secular Government.

THerefore I shall chuse rather to shew the practicableness of Roman Catholics and Protestants living in the full enjoyment of their respective Religions, under Princes of either Religion: And first shall observe, that the Church of *Rome*, and the Church of *England* are the two Churches (in *Europe* at least) that are the most conspicuous and of most renown: Both plead for the Antiquity of their Doctrine: The Roman Catholics are of one Communion, and so is the Church of *England*; but Protestantism at large takes in a greater

greater variety of subdivisions, and those separate from the Church of *England*, as much as that doth from the *Roman*.

Secondly, It hath been the endeavour of many learned and pious men, to accommodate the points in difference betwixt Roman Catholics and Protestants. But by reason of secular interests, no expedient could be found to adjust them, till at last in Germany (from whence our *Saxon* Ancestors came) after about twenty years war, wherein the Country was the very Theatre on which the most Tragical Effusion of Blood, and the most depopulating waste, by Fire and Rapine, were acted to the highest degree of humane cruelty and revenge; and all this principally upon the account of the difference between Roman Catholics and Protestants, upon ac-

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count of their Religion, and being at last thoroughly wearied with the unsuccessful attempts upon one another, in the year 1624. they came to the following settlements, which, I believe, they hitherto reap the fruit of, being confirmed *Anno* 1648. at the Treaty of *Munster*, whereby it was made an Imperial Law.

The Duke of *Newburgh* is a strict Roman Catholic, yet in his Country of *Juliers*, even at *Denseldorp*, the principal place of his residence (not to name other Towns) Lutherans and Calvinists have their Churches as well as Roman Catholics, and I suppose he allows the like liberty in the *Palatinate*, as the Count *Palatine* did, to whom he lately succeeded as his heir male.

The Duke of *Brandenburg* is himself a Calvinist, yet his Subjects are for the most part Lutherans, and in some parts
of

of his Dominions Roman Catholics freely enjoy their Religion.

The Bishop of *Mentz* (tho a Roman Catholic) admits the Lutherans in his City of *Erford* to exercise their way of worship.

So the Duke of *Saxony*, a Lutheran, hath establisht such an accord in his City of *Budisin*, that the Roman Catholics, and Lutherans celebrate their Divine Offices, in the very same Church, separated only by a Grate.

The Bishop of *Osnaburgh* (of the House of *Zell*) is himself a Lutheran; yet in his Town, from whence he hath his Title, both Roman Catholics and Lutherans have their Churches: and the next Bishop must be a Catholic, and so Alternately. And the Lutheran Canons say their Offices, with the Catholics in the Cathedral.

In the City of *Ausburgh* they have two chief Magistrates, whereof one must always be a Roman Catholic, and the other a Lutheran.

The Prince of *Sulzback* is a Roman Catholic, by profession; yet in some parts of his Territories, not only Roman Catholics and Lutherans enjoy their different worship, but interchangeably the same day, in the same place: The Roman Catholics using a portable Altar, which they place upon the Lutheran Altar, when they officiate.

The Abbot of *Curvey* is a Prince of the Empire, and a Roman Catholic, and hath seventeen Villages in his Jurisdiction, whereof sixteen are Roman Catholics, only *Ansted* hath Lutheran Inhabitants, who enjoy their Religion, and in their Annual Procession, not only those Lutherans, but the Envoys from the Lutheran Princes of *Brunswick*

wick, Lunenburgh, and Hannover attend it, some carrying the Abbot's Mitre, others the Crofier (&c.)

At *Lambspring*, under the Rule of the Bishop of *Hildersheim*, the Abbot and Convent are principal Lords, yet they permit the Lutherans to have a Church.

Thus the Germans live in neighbourly Love and Amity, and busie not themselves in conspiring one anothers ruin.

There is one great instance in this part of *Germany*, that comes home to our Case. The late Duke of *Hannover*, being converted to the Roman Faith, during his Father, the Duke of *Zell's* Life, lived out of his Country, and was a Canon at *Paris*; and tho he lived in a low Station with few Servants; yet he kept such a correspondence with persons of Quality, in his Fathers Jurisdiction, that tho
his

his Father designed to disinher-
 rit him ; yet upon the news of
 his last Sickness he posted into
 the Confines , and upon notice
 of his Death at *Hannover* (where
 his Elder Brother was) he post-
 ed to *Zell*, and was so well re-
 ceived there, that he was soon
 in the Head of a considerable
 Army , and by mediation be-
 twixt the two Brothers, he made
 an exchange of *Zell*, the nobler
 Dukedom , for that of *Hanno-
 ver*, the richer ; where being
 settled, he governed his Country
 very peaceably for fourteen
 years, and contented himself
 with a Chappel for his own
 Devotion , and a Convent of
 Capuchins near it ; and pro-
 miscuously employed Roman
 Catholics and Lutherans in his
 Military and Civil Employ-
 ments, giving to his Roman Ca-
 tholic Subjects free liberty of
 the Exercise of their Religion,
 and wrought so good an accord
 among

among his Subjects, of both Perswasions, that there were no animosities among them, none repining at anothers preferment, but in point of Duty and Allegiance, they all respected, honoured and served him, and lived happily under his Government; and he was in as good esteem among his Lutheran Subjects, as any Prince had been long before.

He dying without Issue, *Hannover* fell to his younger Brother the Bishop of *Osnabourgh*, who is a Temporal Prince, not in holy Orders, but married; and hath several Princes and Princesses his Children, and is himself a Lutheran. Upon his entrance to his Principality he did not prosecute the Roman Catholics; only the Capuchins, who lived upon Alms, could not stay as in a Convent, tho he profered them protection for their persons, and Roman Catholics

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tholics enjoy the liberty, I have before mentioned, as others do in several Principalities in *Germany*: Whether this Harmony happen by reason the people are not such Zealots in Religion, as in other places, to be cutting of Throats for it, I cannot tell; but I am sure it is a great ease to Prince and People.

By this Example, I hope it will appear, how practicable it is, that Roman Catholics and Protestants may live under the protection of Magistrates of either Belief, without swallowing up one another; and if it were not for the violent prejudices which some have, there is no need of endeavours to extirpate Roman Catholics, who being few in number, yet are considerable in quality and interest: Nor of oversetting the Church of *England*, whose true Members ever have been Loyal, and in the
worst

worst of times have joyned with Roman Catholics for the support of the Crown, and have been fellow-sufferers.

Surely we cannot forget the time when so great a Credit was given to a Plot, which (even as it was published in Narratives) was as dark and confused, as the *Chaos*; as monstrous as any Figment of the Poets, or in the Alcharon; full of impossibilities, and contradictions; So that it is now our wonder and astonishment, how greedily it was swallowed: Yet this served the turn to exasperate the people, yea the Parliament it self, to that degree, that not only the Catholics were branded as the most trayterous, barbarous, cruel, bloody-minded Men in the World; but they suffered the severities of the Laws: And much innocent blood was shed upon the Testimony of a few perjur'd Vil-

Villans, who got the Character of the Kings Evidence; yet we cannot but remember who They were, that while they were fixing our Eyes so intently, upon the defence of the Kings Person, and the Church of *England*, against the Plots of Papists, were in the mean time providing their Blunderbuffes, and designing a most horrid Regicide.

I recal this to mind only to evince, that we are not to look upon Papists, through the perspectives have been hitherto afforded us; but to believe our own Eyes, and other Organs of Sense, and consider whether a Popish Successor be such a Creature, yea, a Fiend, as he was represented.

S E C T. XVII.

The Character of his Majesty.

IF I were able to furnish my self with as much Celestial Illumination and Spirit from above, as the Author of that Character fetched from the Mines of Fire and Brimstone below; I should not be able to describe, as I ought, any tolerable similitude of our great Sovereign, whose Portraicture the pannick fears, luxurious spite, and hellish designs of some then exposed.

Yet with humble Submission and Reverence due to the Majesty of so great a King, I think it necessary to give some faint

faint touches of those out-lines, which ought to strike us all with Admiration and Joy.

It will, I doubt not, be readily owned, that his Majesty is indowed with as large a portion of those Royal and Princely Virtues (which signalize great Monarchs, and render them conspicuous) as any Prince that hath governed these Realms for many years : And, without flattery, we cannot but admire his Courage, Resolution, and Promptness of Mind, Activeness, delight in Business, thorough inspection into his Affairs, with such a peculiar sweetness and benignity of temper, as, singly are of great value in Crowned Heads ; much more, when, to such a degree and lustre, they are mingled with Justice, Honour, Fortitude, Temperance, and other Heroick Virtues

tues in a Constellation : so that even those, who most passionately wish him the Delight and Darling, as well as Glory of his People ; can superadd nothing to their wishes , but that he were of their Religion. But in the Judgment of Roman Catholics, he finds, not only an esteem due to the accumulation of his illustrious Virtues, but is enriched with a Ray more, by the profession of his Religion.

Those, who are blessed Auditors of his familiar Discourses, admire the serenity of his Humor : few Mortals being less clouded , or shaken with any storm of passion. Those are witnesses how he employs his dressing time , in enquiries after what is remarkable in remotest Countries, whether they



relate

relate to Government, Peace or War, Situation, and Fortifications of places, correspondencies one with another, Customs and Usages, Disposition of the people and their Commodities, and of Traffick, or the personal Virtues and Accomplishments of great Men: The Inventers of useful Arts, especially such as respect Military Discipline, Navigation and Traffick; mingling his own choice Observations, which render all his Discourses pleasing, yea, sometimes surprising, and always profitable and instructive.

Never was any Princes Court freer from debauchery, and more orderly in the disposal of all Officers in it, from whence the Sovereign Master's solid Rules and exemplariness are notably discover'd. The Diligent, Vir-
tuous,

tuous, Sober, Ingenious and Loyal, are received without censure of their Religion: The Sloathful, Turbulent, Factious, Debauched and Irreligious are as much discouraged, as is most manifest by his severe charges against Swearing and Drunkenness (*&c.*)

Pass we thence to his Chapel, we cannot but observe, with some astonishment, how his public Devotions are performed with a serious Attention, and a Fervour and Zeal equal to those that officiate at the Altar.

When we consider the management of his Revenues, by his own peculiar Wisdom and Direction, we cannot but be amazed at that vast Capacity; which those, bred to the Im-

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ployment, cannot equal no more than they can, that inspection into all the Offices of his great Empire, the Uses and Abuses of which are as well known to him, as any Nobleman knows his Surveys, Rentals and Offices; what a Fatigue would this give to the ablest of his Subjects, to order some few particulars of these Matters, much more to superintend the whole as he doth.

Did we survey the wonderful increase of stores he hath made, for all sorts of Munitions, both for Land and Sea, we should think he employed his Care, and a great part of his Revenues in nothing else: But when we attend him to his Camp and Navies, we find a new Charge, a new Care.

His

His Majesties extraordinary Diligence and Skill in disciplining his Army, and the perfection he hath brought it to in one year, will be as incredible to after Ages, as it is the wonder of this. It is the observation of some, that have seen other Princes Troops, that (considering their number) they exceed all others, not only in the richness of the Clothes of the Officers and the Guards; the neatness of the Common Soldiers, the goodness of their Arms, the lightness of the Men and Horses, the order of the Camp; but in the Skill in all their Exercises, their readiness to observe Orders, and the Civility and Morals of them; being free from those Debaucheries, which effeminate and unfit Soldiers for Valor and Vigilance; And no Prince can

take more effectual ways, by due and constant pay, and provision of all things necessary, to oblige his Troops to Fidelity and Courage, Skill and Resolution, than his Majesty doth; so that his Camp is not only accomplished in Military Matters, but is a nursery of good Education: It being his Majesties special Command, that the Soldiers so behave themselves in the Country, that they may not only be regarded as his Servants, wearing his Livery, but as their Guard, and the security of their peace and quiet. So that none can justly repine at their numbers, but such as would be glad to see him destitute of any force that might hinder their Contrivances against his Government.

We have already seen his Majesties Troops, and we now find, with how great care and diligence he is equipping his Fleet, which we may be sure will be answerable to the service he intends them for, and proportionable to that Method and Order of his Land Forces: and then, no doubt, it will exceed what former Ages have known, when they are fitted by so great and magnanimous a Prince, that hath so long been Lord High Admiral himself.

These things have millions of Witnesses: But who can divine the Royal Solitude and Care, and those wise Contrivances, for the good of his people, which are the effects of his retired hours in his

Closet: There, where he revolves in his Great Mind, how to order all the Instruments of his Power, to set all the Wheels of this great Machin on work, to consider who are fitted for every distinct undertaking; how to allott the thinking, grave and wise, the contriving part: And the bold, and obedient, the executive part of his Affairs. There he ruminates of his Counsellors Wisdom and Address, and what is fit to be communicated to them. Here he consults the safety, preservation, and wealth of his Subjects; how to make all of Loyal Principles (tho of different perswasions in Religion) live at ease and freedom. Here he studies to obviate the designs of the Factious and Seditious, which
give

give greatest disquiet to the otherwise flourishing Reigns of Princes : To reward, advance and honour those who do him the acceptablest Services. Here he bears the Burthen of his Kingdoms alone, revolves the fate of other Empires, and resolves the Model of his own.

May the Divine Wisdom inspire his Royal Breast here, and in all places, to follow such Methods, as may make his People truly Reverence, Love, and dutifully Obey him, whereby not only his Reign may be prosperous and peaceable, but our Posterity may find the good effects of his Government,

Were his Majesties Character as well known, through all

all his Dominions, as it is to those nearest to him, (however imperfectly I have described it) I should not think it possible that any could entertain such Umbrages of fear of his Conduct, since we may be assured so wise, and extraordinarily qualified a Prince, will attentively consider how his own ease and felicity is involved in that of his Subjects.

Were he a Prince less Vigorous, and Active in his person, (which his Princely exercises and temperance contribute so much to) were he less experienced in a long Tract of Observations, less knowing of men, and of their by-past, and present, innate and forced dispositions; and of a less piercing Judgment, and vivacity of Spirit: Had he not so many times
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adventured his Life for the Honour and Safety of these Kingdoms ; were he a Prince that did not so seriously discountenance prophaneness and vice , or gave not such signal tokens of his piety ; were he a Prince that devolved his Cares on others , whereby he might enjoy a pompous and easie life ; were he not constant to his purposes , or were less exemplary in all provident managery , or sparing in the expence of Provisions for the Honour and Safety of his Dominions ; Were he subject to any transport of Passion, or easily imposed upon by flie and cunning *Achitophels* ; we might suspect his concern for his people, and think him negligent or not understanding of his Interest. But a Prince endowed with so extraordinary qualifications
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can never be wanting in the great concern of his Royal Office, both in conserving his Dominions in peace, and being indulgent to all, that unworthily distrust not his Gracious Intentions, and make not false constructions, comments, and glosses upon them, and by an unworthy waywardness court cloudy weather or storms, when they might enjoy sunshine and a clear sky.

S E C T. XVIII.*The Conclusion.*

TO draw now towards a Conclusion, I shall only offer you some considerations, which I desire you will seriously think upon.

First, you cannot but have observed, that there are a set of men, who although they be at as great a distance from knowing his Majesties Resolves, as they are from the Moon; yet will pretend to have Telescopes in Politicks, whereby they can discover all the Hills and Valleys, Seas and Rolling Sands, the Precipices and
Plains,

Plains, the Desarts and Fertile Champaigns of our little world, and by engrafting Microscopes upon them, can magnifie to what prodigious bulk they please, Molehills and the minutest Insects : Yea they pretend to discover the secret Springs and Movements of all Counsels, and that, (which is their greatest dexterity) by a Charm they have, they can make every one they get to use these, to believe the reality of what they represent.

These men considering the Kings Personal Resolution, Courage and Conduct, and the Noble Designs he declared at his first entrance on his Government, that, by the blessing of God he would adventure his person as far as
any

any man in his Dominions for the good of his people, and endeavour to raise the renown and repute of his people, as high as any of his Predecessors: and withall considering the success that had attended all his undertakings, knew that they could no ways foreflow the progress of his affairs, but by depriving him of the Cordial Affections of his Protestant Subjects.

Therefore finding that his Majesty would be bound in Honour and Justice to shew favour to Catholicks in employing them and endeavouring a repeal of penal Laws, and knowing how much it would stand them in hand to lay hold of this opportunity; fell presently to sigh out their
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extream fears, that the Church of *England* was to be trod under foot, if not totally extirpated.

They knew full well, that as a Nipping Frost suddenly dispoyleth fresh Flowers of their richest paint and beauty, and makes their erectest leaves soften and flag, and finges the tallest Oaks, as well as the lower Thickets and Copices; even so from this chilling apprehension, the briskest and most active Loyalty of some would be palsied, benumbed, or cramped; a Cloudy Jealousie would seize others, and it would slacken the sails, and becalm, and make those Vessels Hull and float in a dead Sea, that had formerly made so fair a progress towards the Port of Loyalty.

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They knew likewise, that if they could get the Kings desires opposed in Parliament, it would effectually hinder the former good Correspondence had been betwixt the King and them, and so it was their Interests, like cunning Ambo-dexters, to animate, and encourage the Kings Zeal for it, and at the same time to set all other tools at work to get it opposed.

This was the master-piece of some peoples policy, which possibly was not all home-bred, and it hath most powerfully effected the business: and no doubt but it was easie to have been prognosticated.

However the matter hath been managed, it is too late
P to

to call back yesterday : The King hath the same motives to insist upon the taking off the penal Laws ; and since I have laid down so fully the reasons and inconveniencies of denying his desire : It will be very becoming the wisdom of the Parliament (as Loyal as a Prince can wish) and of all the true members of the Church of *England*, and of all that desire, we and our posterity may be happy, to study such expedients, as there may not be eternal heart-burning, persecutions, jars, and feuds, betwixt the Members of the two so Famous Churches, and that they will not only impartially consider what I write to you, but that they will call in the aids of their Christianity, reason and duty

ty to govern their Actions, that we may not endanger our Religion, or be misled by false fires, and trained into those dens, where destruction and slavery keep their residence, and where the pretended qualm at the apprehension of their dying Religion, is but to get a dose of that Volatile Salt of Vipers, that they hope would raise to life again their good Old Cause.

I know it is one of the difficultest cures to bring Hypochondriac people to abandon, or forget their complaints: If they get a notion by the fore-top, they swing it about, as boys do fire-sticks, till it appears a whole Circle of Fire, whereas six drops
P 2 of

of water will quench it. Sometimes such are cured with Hellibore, but oftner by calm reasoning, diverting their thoughts, by representing the ill consequences of such groundless phancies, and then cordial refreshings of their spirits bring them to composure.

I have made choice only of the last, and desire all Lovers of their Country, yea, and of their Religion also, to consider what the designs of some men are, by their Libels, wherein they endeavour to possess the Souldiery with strange apprehensions, and would poyson them in their principles of Allegiance. Surely it can be to no other end, but that they hope thereby to disarm them of their Loyalty, and

and so to find from them little resistance, when they could be able (by setting up the Standard of Protestantism) to assemble their power against the Government.

Have you not seen other Libels for setting up Stipulatory, Conditional Monarchy? There was never an Insurrection, or any Intestine Trouble, but it was occasioned by a prepossession of the people, with an ill opinion of the Princes Conduct, and by debauching of the people in their duty; and when there was either a faction in the State, or diversity in Religion, these readily divided their adherence, either to the Crown, or to the Seditious, or Rebels. But whoever got by such commotions, I am sure the

generality of the Subjects were sufferers ; and whenever God Almighty punished them in this kind , yet we find , in the upshot , the Government was again settled more firm , as we may learn even by our latest examples at the Restoration of King *Charles* the second ; And whoever consider the benefits that accrue to a people that live quietly under Government , and the sad mischiefs that Faction and Sedition cause, will chuse the one rather than the other, and will find that all the stricter impositions on the Subject, have been occasioned by the peoples disobedience, and the displacing of Officers have been for the security of the Government : Hence the Act of purgeing Corporations, and the late Quowarranto's, and
some

some Acts of State of later date.

Distrust of a Princes good Intentions for his People, and diffidence in his gracious promises, above all things are to be avoided in Subjects. It is that hinders them from yeilding to his reasonable desires. Our gracious King hath multiplied his Assurances of his protection of our Religion, and it is our Duty and Interest to be confident in, and truly thankful for them, and neither by insolency, mistrust, or peevishness to forfeit his Royal Favour.

Those who are well acquainted with the gracious and generous temper of his Majesty, know, that a diffidence in his Sacred Promises,

is so much the more disobliging, as it is the questioning his veracity, which is one of the chief and most valuable of his Royal Virtues. This distrust touching so vital a part, as the Justice and Reputation of any private person, raiseth a deep resentment: how much more must it be ill indured in so great a Person, who hath that peculiar temper of Spirit (suitable to his Birth and Dignity) not to suffer his Methods to be thwarted, or disputed; especially where the constructions put upon them, tend to the diminution of the Love and Honour his Subjects owe him, and will occasion seditious withdrawing of the Subjects from their Duty and Allegiance? which as they are most important mischiefs, and hazard the Peace of the Government

vernment, so they have, in all humane probability, been the true, and only Motives, that have induced his Majesty to withdraw his wonted kindness from some persons, that I am confident out of mere inadvertency of these consequences, and out of desire to serve him in other Methods, have fallen under his displeasure.

Upon this consideration it is, that our Loyal Divines should have a special regard, that neither openly, or covertly, they increase their Auditories suspicion, or distrust of his Majesties kindness to our Church, but rather inforce a free passage of the contrary to our very heart and souls; so as first to be truly thankful for his grace, and then to be confident

fident of it : They have liberty from the King to confirm their Auditors with the best Reasons they can (without misrepresentations) in their Religion. But withal, I think it likewise necessary, they be taught not to harbour those doubts, and apprehensions of any Intendment of the King by any power to inforce us to abandon it, but rather encourage them in a firm and thankful belief, that the King will make good his gracious Promise. Some such Cordials would preserve our Religion, better than all the bewailings of the afflicted State of the Church, which will not secure us one Article of our Religion.

I can foresee no danger to the Church of *England* by this

this way of proceeding, but am most assured it would incline his Majesty more chearfully to continue his protection of it, in finding such grateful returns of his Favours.

- Only it might produce one effect, that some probably are not desirous to experience, that it would again bring us to that Criterion, and perfect distinction of those who are true Members of the Church of *England*, from others that now wear the Badge and Livery only, which they can as soon undress themselves of, when they should judge it for their Interest. We should then find them at their old Calumnies, that the Clergy were going over to, or meeting half-way the Church of *Rome*; and even those who are so much applaud-

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applauded and followed, would in a little time be accused of selling the Reversion of our Religion, as in the late times they were scandalized with the Incumbering and Mortgaging of it.

Upon the whole let us seriously consider, that where Loyalty obtains, no people can be miserable, let us trust God and the King. And tho there are differences in point of Doctrine, betwixt the Roman Catholics and us: Yet as we agree in Morals, and in several indisputable Points of Christianity, in the Creeds, and several Articles of Faith, as well as in some external Ceremonies (rejected by other Protestants) there is no reason we should keep up such inveterate Animosities, be at perpetual strife,

strife, not *de finibus regundis* ;
but of exterminating one ano-
ther. But rather study how by
an amicable accord in our
common Duty of Christiani-
ty and Allegiance we may
mutually and Cordially endea-
vour the defence and prefer-
vation of the King and his
Government, which ought to
be every Loyal mans design,
and is the sole intendment of
this my present writing to
you.

F I N I S.
